

Licensing  
Policy ~~2020~~  
~~2024~~ 2025 -  
2029  
Licensing Act 2003

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Note to reader:

**Red** = new text

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## **1.0 Preliminary Matters**

- 1.1 This Statement of Licensing Policy sets out the principles by which Southend-on-Sea City Council intends to discharge its functions as the Licensing Authority under the Licensing Act 2003 (referred to in this document as 'the Act')
- 1.2 The Licensing Authority is responsible for the consideration of applications for the grant of premises licences, club premises certificates, personal licences and processing temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. References in the text to licensed premises should be taken to include club premises, unless the context otherwise requires.
- 1.3 The planning and licensing regimes involve consideration of different (albeit related) matters. Licensing Committees are not bound by the decisions made by a Planning Committee and vice versa.
- 1.4 There is no legal basis for a Licensing Authority to refuse a licence because the relevant premises does not have planning permission or where there are conditions on the planning permission of a premises.
- 1.5 The Licensing Authority liaises with the **Local** Planning Authority to ensure they are aware of all new and varied premises licence and club premises certificate applications. This is achieved via a weekly email. This procedure is in addition to the statutory requirement for all applicants to provide a copy of their application to the **Local** Planning Authority.
- 1.6 Applicants are advised that the **Local** Planning Authority is a Responsible Authority under the 2003 Act and is able to make representations against all applications on planning grounds relating to, inter alia, public nuisance, and thereby make representations regarding opening and closing hours, and in respect of any of the four overriding objectives of the Licensing Act 2003.
- 1.7 There are circumstances when as a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours granted, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action ~~from~~ **by** the planning ~~department~~ **service** even in circumstances where the licensing permission allowed a later terminal hour.

## **2.0 Description of the City**

- 2.1 The City of Southend-on-Sea is a densely populated area and has numerous licensed venues and fast food outlets. In many cases, those premises are situated near to residential areas.
- 2.2 There is a large range and scale of entertainment/alcohol establishments in the town. The development of South Essex College and the University of Essex is having an impact upon the existing infra-structure and town centre facilities.

2.3 The seafront, particularly the central area with its mix of public houses, entertainment establishments, amusement facilities and late-night fast food outlets, is an area drawing large numbers of visitors.

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

3.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

3.2 This policy must be reviewed and published every 5 years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The new policy must then be published.

3.3 This Policy takes effect on 31<sup>st</sup> January 2025 and replaces the Policy previously in force.

### **4.0 Consultation**

4.1 In producing this Policy, the Licensing Authority carried out an extensive consultation programme between ??? and ??? 2024

4.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- a) the chief officer of police for the licensing authority's area,
- b) the fire authority for that area,
- c) the director of public health for the licensing authority's area,
- d) such persons as the Licensing Authority considers to be representative of holders of premises licences issued by that authority,
- e) such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority,
- f) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority, and
- g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

4.3 In addition, the Licensing Authority chose to consult additional local groups and individuals namely:

- Responsible Authorities under the Act
- Other elements of local government
- Organisations, including faith groups and voluntary organisations, and the Citizens' Advice Bureau;
- Groups which have an influence on the night time economy.

### **5.0 Approval of Policy**

5.1 This policy was approved at a meeting of the full Council on ??? 2024 and was published via its website simultaneously. Copies are available on request.

## **6.0 Exchange of Information**

- 6.1 The Licensing Authority is under a duty to protect the public funds it administers, and to this end may use for the prevention and detection of fraud the information provided by applicants. It may also share this information for these purposes with other bodies responsible for auditing or administering public funds.
- 6.2 In accordance with the provisions of the Crime and Disorder Act 1998, The Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.

## **7.0 Public Register**

- 7.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 10am and 4.00pm. Regulations prescribe what information should be kept in the register. Alternatively the register can be viewed online on [www.southend.gov.uk](http://www.southend.gov.uk)
- 7.2 The Licensing Authority publish details of applications on the Councils website [www.southend.gov.uk](http://www.southend.gov.uk)

## **8.0 Compliance and Enforcement**

- 8.1 In exercising its functions with regard to the inspection of premises and to the institution of criminal proceedings for offences committed under the Act, or the calling of a licence review, the Licensing Authority will follow **the Environment and Regulatory Enforcement Policy and** best practice. This requires that actions should be-
- Proportionate - intervention will only take place when necessary. Remedies shall be appropriate to the risk posed and costs identified and minimised.
  - Accountability - the Licensing Authority shall ensure it is able to justify its decisions and be subject to public scrutiny
  - Consistent - rules and standards shall be joined up and implemented fairly.
  - Transparent - enforcement shall be open and regulations kept simple and user friendly.
  - Targeted - enforcement shall be focused on the problems and minimise side effects.
- 8.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and will adopt a risk based inspection programme.
- 8.3 The main enforcement and compliance role of the Licensing Authority is to ensure compliance with the licences and permissions it authorises. Where appropriate we may conduct joint inspections of licensed premises, or premises which may need a licence, in conjunction with other enforcing authorities.
- 8.4 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the **Environment and Regulatory Services** Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

- 8.5 The Licensing Authority will keep itself informed of developments as regards the work of the ~~Department for Business, Energy and Industrial Strategy~~ **Department for Business and Trade** in its consideration of the regulatory functions of Local Authorities.
- 8.6 The Licensing Authority will take account of the outcomes and ambitions of The Council's 'Tackling Harmful Behaviours Strategy' where appropriate.
- 8.7 The Licensing Authority's enforcement/compliance protocols are available on request, as are details of the risk-based approach to inspection.

## **9.0 Introduction to the Act**

- 9.1 In exercising its functions under the Act, the Licensing Authority must have regard to and promote the 4 licensing objectives namely:
- The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm
- 9.2 Applicants are advised to consider providing evidence that suitable and sufficient control measures, as detailed in their operating schedule, will be implemented and maintained relevant to the nature and mode of operation of their premises and events
- 9.3 The Licensing Authority has certain expectations in respect of applicants and the operating schedules they produce. It is for applicants to decide on the extent of measures to be set out in their operating schedules but when assessing applications the Licensing Authority must be satisfied that the measures proposed aim to achieve the licensing objectives, as far as is possible. **To assist in the application process, a pool of model conditions is provided at appendix E**
- 9.4 Duplication with other regulatory regimes should be avoided. In particular, applicants should have regard to the fact that the Local Authority's licensing function will be discharged separately from its functions as the local planning authority. Normally, applications for premises licences for permanent commercial premises should be from businesses with planning ~~consent~~ **permission** for the property concerned.
- 9.5 This policy covers a wide variety of premises and activities and for this reason it cannot detail all the factors which influence the achievement of the licensing objectives, nor can it detail all the control measures which may be appropriate.
- 9.6 Where valid representations are made the Licensing Authority will make objective judgments as to whether conditions need to be attached to a licence, certificate or permission in order to secure the achievement of the licensing objectives. Any such condition will focus primarily on the direct impact of the activities taking place on the 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 within the direct control of individual licensees.
- 9.7 Licensing law is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, reasonable steps should be taken

to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises; for example, on the pavement, or in a smoking area.

Other mechanisms may be utilised to tackle unruly or unlawful behaviour of patrons when beyond the vicinity of the premises. These include:-

- measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and departments of the local authority.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences late at night, street cleaning and litter patrols
- powers to designate parts of the local authority area as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder and anti-social behaviour
- the confiscation of alcohol from adults and children in designated areas
- Police powers to close down licensed premises for a specific period of time.
- the power of the police or interested parties to seek a review of the licence.
- other local initiatives which similarly address such problems.

9.8 The Licensing Authority recognises the cultural, social and business importance that premises and events requiring a licence can provide and the diversity of activities which are provided by licence holders. Proper account will be taken of the need to encourage a broad range of entertainments.

9.9 The Licensing Committee will receive reports, where appropriate, on the needs of the local tourist economy and the cultural strategy for the area so as to ensure these are reflected in its considerations.

9.10 The Licensing Committee will be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.

9.11 The Licensing Authority is under a legal obligation to have due regard (section 149, Equality Act 2010) to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons with different protected characteristics.

Those protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation

9.12 The impact of this policy on the requirements of the Equality Act will be ~~monitored~~ **considered and addressed** through the Council's equality and diversity scheme.

9.13 When considering applications the Licensing Authority will have regard to the Act and the licensing objectives, this policy, statutory guidance, and all supporting regulations.

**9.14 The Licensing Authority expects licensees to be familiar with the contents of any codes of practice issued by the Government under the Equality Act 2010.**

## **10.0 Prevention of Crime and Disorder**

10.1 Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority



when carrying out its various functions to do all it reasonably can to prevent crime and disorder in its area.

10.2 When addressing the issue of crime and disorder the applicant is advised to demonstrate in the operating schedule that those factors which impact on crime and disorder have been considered. These may include:

- Underage drinking
- Drunkenness on premises and elsewhere
- Drugs misuse **and drug dealing**
- Violent behaviour
- Anti-social behaviour
- Control of their patrons while on the premises and as they arrive and depart
- Crime statistics in the locale
- The nature of the local area
- **The threat from terrorism**

10.3 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities, and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of the premises and associated open areas.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder.
- The keeping of appropriate written training records.
- Adoption of best practice guidance
- Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority.
- Provision of effective CCTV in and around the premises.
- Engagement of door staff. Where door staff are present they must be Security Industry Authority licensed.
- **The use of a drugs safe where appropriate**
- Provision of drinking vessels made from appropriate toughened material.
- The assessment of the use of polycarbonate drinking vessels over toughened ones on certain occasions.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- **Regular attendance by a premises manager at trade / authority meetings such as 'Pubwatch' and membership of the Night Time Economy and Purple Flag groups.**

10.4 The Licensing Authority expect licensed premises to develop a staff policy and training programme on drug awareness, recognising signs of drunkenness and vulnerability, for example, offering drinking water and advice on refusing customers who appear drunk and discourage company policies that promote bonuses and sales incentives for selling alcohol. The Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Home Office Licensing Guidance states drinks promotions should not be designed to encourage individuals to drink excessively or rapidly.

10.5 Where licensed premises are suspected of causing nuisance or being associated with disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions

may include use of closed-circuit television, licensed door supervisors and earlier closing times. The Committee may consider a suspension of the licence to allow time for new conditions to be enacted.

- 10.6 It is expected that the Designated Premises Supervisor (DPS) should be able to demonstrate that they have day to day control of the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 10.7 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.
- 10.8 The Licensing Authority expects licensees and applicants to undertake a terrorism threat risk assessment which ensures that any security-related vulnerabilities have been identified, and reasonable and proportionate steps (in keeping with the size and nature of the operation) have been taken to reduce the risk from a terrorist attack. (note: Licensees should have regard to The Terrorism (Protection of Premises) Act, once it becomes law together with any other relevant legislation).

## 11.0 Public Safety

- 11.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.
- 11.2 Factors which may have an impact on public safety may include:
- the number of people frequenting the premises
  - the condition, lay-out and design of the premises
  - the nature of the activities to be provided
  - customer profile – Special attention should be given to protecting vulnerable individuals and groups
  - the use of special effects such as lasers, pyrotechnics, foam machines and so on.
- 11.3 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.
- 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 all those present.
  - Appropriate instruction, training and supervision of those employed or engaged to secure the safety of all those present.
  - The keeping of appropriate written training records.
  - Adoption of best practice guidance and schemes such as 'Ask Angela'
  - Provision of effective CCTV in and around the premises.
  - Provision of drinking vessels made from appropriate toughened material.
  - The assessment of the use of polycarbonate drinking vessels over toughened ones on certain occasions.
  - Implementation of crowd management measures.

- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- **The provision of equipment and/or systems to enable customers to protect their drinks and test them against drink spiking.**
- The condition, design and layout of the premises, including the means of escape in an emergency.

## **12.0 Prevention of Public Nuisance**

- 12.1 Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise through their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises.
- 12.2 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour.
- 12.3 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.
- 12.4 Factors which may have an impact on public nuisance may include:
- the location of the premises (including open areas associated with them) and proximity to residential and other noise sensitive premises.
  - the customer profile.
  - the hours of operation.
  - the nature of activities provided.
  - the design and layout of the premises and in particular the use of noise limiting features.
  - the number of people frequenting the premises.
  - the availability of public transport and the availability and location of car parks utilised by patrons.
  - any 'wind down period' between the end of the licensable activities and closure of the premises.
  - the time of last admission.
  - the use of special effects such as lasers, pyrotechnics, and so on.
- 12.5 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.
- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.
  - Appropriate instructions, training and supervision of staff.
  - The keeping of appropriate written training records.
  - Control of operating hours for all, or parts of, the premises, including such matters as deliveries and the operation of machinery.
  - Adoption of best practice guidance.
  - Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and (where appropriate) sound limitation devices.

- Signage displayed at premises requesting that patrons leave quietly
- Management of people (including staff) and traffic (and resulting queues) arriving at and leaving the premises.
- Liaison with transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for the collection and disposal of litter.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

## 12.6 External Areas, Beer Gardens and Smoking Areas

Premises licence holders will be expected to:

- Develop a management plan on how to manage smoking on your premises and ensure that all staff are aware of the contents of this plan, and that it is effectively implemented. Noise from people smoking and talking can be intermittent, vary in character and volume and be intrusive. An effective smoking management plan will help prevent neighbours being disturbed.
- Comply with any planning conditions restricting the use of outdoor areas.
- Ensure that any structures used by smokers comply with the design criteria detailed in the Heath Act 2006 and that any structures, awnings, retractable canopies, etc. have the relevant planning permission.
- Ensure any new lighting to outdoor areas must be designed so as not to cause a light nuisance to neighbours and again have the relevant planning permission and building control consent.
- Ensure that the conditions on the premises licence are complied with. There may be conditions restricting the hours of use of gardens and outdoor areas.
- **Obtain a Pavement Licence for tables and chairs on the Public Highway under the provisions of the Highways Act 1980.** These licences may have conditions restricting the times that the area can be used.
- Ensure drinks, glasses and bottles are not taken onto the highway unless there is a tables and chairs licence permitting use. A system should be adopted to prevent theft and 'spiking' of drinks, and reminding customers not to leave unattended items.
- Discourage smokers remaining in gardens and outdoor areas and determine terminal hours.
- Discourage smokers remaining outside by removing/disabling tables and chairs or prohibiting their use after a certain time. Lights and heaters should also be turned off.
- Introduce a system that after a certain time the number of smokers outside are restricted to a maximum number. Staff will be needed to manage this restriction.
- Consider employing SIA registered door supervisors to manage doors and control customers and smokers entering and leaving the premises. Staff positioned on the doors can help to encourage customers not to cause a noise problem. It may be that staff are required to manage doors after a certain time, particularly during the hours when neighbouring residents are trying to sleep.
- Ensure door supervisors maintain order outside venues and protect customer safety. The Licensing Authority supports the use of town link Radio and the 'Disc' system, other pager systems and pub watch schemes can be used to provide for rapid police response and alert other venues where customers and staff are endangered.
- Position signs to remind customers that the premises is in an area where people live. It is not always obvious in busy commercial streets with flats

above. By changing the design and wording of signs customers do not forget. Signs can be located in and outside the premises and on tables.

- Use CCTV to manage outside areas.

## 12.7 Minimising waste

Minimising waste, especially of single use, non-recyclable materials, is an important step to reducing the environmental impact of licensed premises. It can also help a business to become more efficient as well as demonstrating its commitment to its customers that it is a sustainable business. In October 2020 it became illegal, with some exceptions, to sell or supply single use plastics such as straws or drink stirrers. You can still supply and sell single-use straws and drink stirrers made from other materials or reusable alternatives.

There are other ways that licensed premises can minimise waste, such as:

- Using online menus instead of printed versions, or where menus and promotional materials are printed, ensuring they are on recycled materials and are not single use
- Allowing members of the public to refill water bottles to reduce plastic bottle waste.
- Improving recycling rates across all aspects of your business, forward facing and back office.
- Training staff on sustainability best practice.
- Reviewing options for reused and upcycled furnishings and fittings.

## 13.0 Protection of Children from Harm

- 13.1 Family friendly premises are to be encouraged but the risk of harm to children remains a paramount consideration when applications are determined.
- 13.2 The protection of children from harm includes their protection from moral, psychological and physical harm.
- 13.3 In relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and violence. The Licensing Authority will expect licensees to implement measures which restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.
- 13.4 In certain circumstances, children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influence, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.
- 13.5 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to safeguard children from harm.
- 13.6 Factors which may have an impact on the safety of children and give particular

cause for concern may 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 premises with a reputation for underage drinking.
- Proxy sales of alcohol to minors (ie adults purchasing for persons who are underage).
- The premises have a known association with illegal drug taking or dealing.

13.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas
- Appropriate instruction, training and supervision of staff
- The keeping of appropriate written training records.
- Adoption of best practice guidance
- Complete exclusion of children, limitations on the hours when children may be present, restrictions from being in certain parts of the premises, or exclusion from certain activities.
- Imposition of requirements for children to be accompanied by an adult.
- Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority.
- Measures to ensure children do not purchase, acquire or consume alcohol.
- Ensuring adequate procedures are in place to prevent the purchase of age restricted products online by minors, and age checks upon delivery at off site addresses.
- Proper arrangement to be made to enable the personal licence holder to monitor the activity they have authorised.

13.8 Conditions which require the admittance of children to any premises cannot be attached to licences or certificates.

13.9 Where a premises provide gaming facilities licenced or permitted under the Gambling Act 2005, the Licensing Authority will expect measures to be in place to prevent children from accessing gaming machines. This should include the appropriate training of staff and the keeping of training records, as well as measures to ensure machines are appropriately monitored by staff. Such measures should be highlighted in the operating schedule.

13.10 All owners/licence holders and their staff should have a basic awareness of safeguarding. Risk assessment and training should address:

- Being alert to the possibility of child abuse and neglect
- Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances
- Knowing who in the organisation to raise your concerns with
- Being competent in taking the appropriate immediate or emergency action
- Knowing how to make a referral to Children's social care and/or the Police.

## 14.0 Advice and Guidance

- 14.1 Pre-application discussions with the responsible authorities are encouraged to assist applicants in developing their proposals and operating schedules. Officers of the Licensing Authority will endeavour to provide guidance at that stage of the process. Where an officer is representing the Licensing Authority in its role as a Responsible Authority, wherever possible another officer will be designated to process the application and provide applicant guidance.
- 14.2 The Council provides a pre-application service for people seeking advice on prospective planning applications including proposed changes to planning conditions controlling. This may involve, for example, hours of operation. Applicants for licenses are encouraged to consider the benefits of using that advice service in the interests of seeking to ensure their license proposals are, or can be made, consistent with separate planning controls that may apply to their premises. More information about the advice service is at this link <https://www.southend.gov.uk/info/200155/make-a-planning-application-and-planning-advice/365/planning-advice-and-guidance/2>
- 14.3 Where appropriate to do so, officers of the Licensing Authority will assist applicants to work with others who may make representations with a view to resolve areas of concern. Once an application has been lodged there are statutory timescales imposed on the application and determination process which restrict the opportunity for such discussions, liaison and mediation.
- 14.4 Contact details are set out Appendix A
- 14.5 The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. If there are relevant representations the application will be considered by the Licensing sub-committee at a public hearing.
- 14.6 Mandatory Conditions are imposed by the Act whether or not the application is opposed.
- 14.7 In determining applications for garages, (ie forecourt shops) the Licensing Authority must decide whether or not premises are primarily used as a garage and will expect applicants to submit data which establishes the primary use. Where such information is not available (because for example the premises have only just started trading), we may consider imposing a condition requiring this information to be provided to the Licensing Authority on a regular basis for the following years to ensure the premises are not primarily a garage
- 14.8 There are strong links between the Council's **Corporate Plan Priorities** ~~2050 vision~~ and Licensing Policy. Several outcomes can be positively influenced by good licensing controls and a well run licensed sector. ~~The Licensing Authority hope that applicants will engage with the 2050 vision in their applications.~~

Examples include:-

**Corporate Plan Priorities of;**

- **A growing city with a strong and prosperous community**
- **A safe city with a good quality of life for all**

## **Safe & Well:**

~~14.8.1 People in all parts of the City feel safe and secure at all times~~

~~14.8.2 We are all effective at protecting and improving the quality of life for the most vulnerable in our community~~

~~14.8.3 Southenders are remaining well enough to enjoy fulfilling lives, throughout their lives~~

## **Opportunity and Prosperity**

~~14.8.4 The Local Plan is setting an exciting planning framework for the City~~

~~14.8.5 We have a fast evolving, re-imagined and thriving town centre, with an inviting mix of shops, homes, culture and leisure opportunities.~~

14.9 The Licensing Authority draws the attention of applicants, licensees and responsible authorities to the Government's online resource for alcohol harm and licensing related data at the following link:-

<https://www.gov.uk/government/publications/alcohol-licensing-data-for-public-health-teams>

## **15.0 Representations**

15.1 These may be made by either of the following:

### **(1) Responsible Authorities**

A full list of the Responsible Authorities is given in Appendix A

### **(2) Any other person**

Regardless of their geographical location, providing that the representation is not vexatious and frivolous in the opinion of the Licensing Authority.

15.2 Any representations must relate to the named premises and are restricted to the four licensing objectives. The Licensing Authority will need to be satisfied there is an evidential link between the representations made, the licensing objectives and the premises in question. Where a representation simply re-lists the licensing objections without stating why it is considered the grant of the application will undermine or fail to promote them, it may be rejected as invalid.

15.3 The Licensing Act 2003 (hearings) Regulations 2005 require the Licensing Authority to provide the applicant with copies of any relevant representations made **in full (including personal data such as name and address)**. ~~Any person making a representation to an application should bear in mind that their personal data (such as name and address) will be disclosed to the applicant.~~ **The Licensing Authority will not edit your letter of representation before it sends it out.**

All letters of representation will be contained in the agenda should the matter proceed to a sub-committee hearing. Such hearings are open to the public and may include the presence of members of the media. Furthermore, personal data may be published in the minutes which are distributed to all parties to the proceedings and available on the Council's website.

## **16.0 Licensing Committee**

16.1 The Committee is composed of 15 Councillors. A contested application will be



heard by a sub-committee comprising 3 members of the Licensing Committee.

- 16.2 When considering applications the sub-committee will have regard to this Policy, statutory guidance, the Act and attached regulations and the licensing objectives.
- 16.3 Each application is considered on its individual merits.
- 16.4 Should the sub-committee decide to approve the application the mandatory licence conditions must be applied. In addition, the sub-committee will determine whether it is appropriate to attach other conditions to a licence, certificate or permission to secure achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.
- 16.5 In determining whether a person lives or has business interests sufficiently close to the premises so as to be likely to be affected by the proposed activities, the Licensing Authority will consider factors such as:
- The size of the premises
  - The nature of the premises
  - The distance of the premises from the location of the residence or business of the person making the representations
  - The potential impact of the premises (e.g. the number of customers and routes likely to be taken by its customers)
- 16.6 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.
- 16.7 The Licensing Authority will avoid attaching conditions which duplicate other regulatory regimes wherever possible.
- 16.8 A list of which matters will be dealt with at committee and those which are delegated to licensing officers can be found at appendix B.

## **17.0 Appeals**

- 17.1 An appeal may be made to the Magistrates' Court against a decision of the Licensing Authority. The appeal must be made within 21 days of being notified of the decision to be appealed against.
- The following may appeal:
- The applicant
  - A Responsible Authority or any person who made relevant representations
  - In the case of a review, the holder of the licence or certificate being reviewed

## **18.0 Reviews**

- 18.1 A responsible authority or any person may ask the Licensing Authority to review a premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 18.2 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as local residents or community

groups. These individuals and groups are entitled to do so in their own right where there are sufficient grounds.

- 18.3 Where Responsible Authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give licence holders early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given.
- 18.4 The Licensing Authority draws the attention of Responsible Authorities to the Home office publication, "The Practical Guide for Preventing And Dealing with Alcohol Related Problems - What You Need To Know".

### **Summary Reviews (Violent Crime Reduction Act 2006)**

- 18.5 Where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of a premises licence.
- 18.6 If a summary review is applied for, the Licensing Authority must consider the application within 48 hours (time that is not on a working day is disregarded) and determine what interim steps to take, if any, of those listed below:
- the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence.
- 18.7 Although the law allows the decision to be determined in the absence of the premises licence holder, the Licensing Authority will endeavour to always notify the licence holder of the application having been made and of the time, date and place that it will be determined, in order to afford the licence holder or representative the opportunity to attend.
- 18.8 Where the Licensing Authority decide to take any of the interim steps, its decision has immediate effect and an immediate notice of the decision must be given to the licence holder.
- 18.9 Where the licence holder makes representation in respect of the decision, the Licensing Authority must hold a hearing within 48 hours (time that is not on a working day is disregarded) of receipt of the representations and, unless they are withdrawn, consider those representations and any made by the police; consider whether the interim steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.
- 18.10 The Licensing Authority must also hold a full review hearing within 28 days.

### **Closure of Premises**

- 18.11 Under the Anti-Social Behaviour, Crime and Policing Act 2014, Closure Notices can be issued by the police or local authority for 24 hours (and up to 72 hours where necessary) when satisfied there are reasonable grounds:
- that the use of particular premises has resulted or is likely soon to result in nuisance to members of the public; or
  - that there has been or is likely soon to be disorder near those premises associated with the use of those premises.

- 18.12 Closure Orders up to a period of three months can be sought from a Magistrates Court by police and local authorities once a Closure Notice has been issued. The court may make a Closure Order if it is satisfied:
- that a person has engaged, or is likely to engage, in disorderly, offensive or criminal behavior on the premises; or
  - that the use of the premises has resulted, or is likely to result, in serious nuisance to members of the public; or
  - that there has been, or is likely to be, disorder near those premises associated with the use of the premises;
  - and that the order is necessary to prevent the behavior, nuisance or disorder from continuing, recurring or occurring.
- 18.13 Breach of a notice or order is a criminal offence and carries the following sentences upon summary conviction
- Notice: Up to three months in prison.
  - Order: Up to six months in prison.
  - Both: Up to an unlimited fine for residential and non-residential premises.
- 18.14 Who Can Appeal?
- Any person who the closure notice was served on.
  - Any person who had not been served the closure notice but has an interest in the premises.
  - The Council (where closure order was not made and they issued the notice).
  - The police (where closure order was not made and they issued the notice).

## **19.0 Suspension of Licences for Non-Payment of the Annual Fee**

- 19.1 The Licensing Authority is under a duty to suspend Premises Licences and Club Premises Certificates where the Licensee has failed to pay the annual fee within a prescribed period. Licences which are suspended shall cease to have effect during the suspension period.

## ~~20.0 Electronic Applications~~

- ~~20.1 In keeping with the Council's policy on the introduction of e-Government, the Licensing Authority consents to applications and other notices being given electronically where the Act and regulations allow.~~

~~The methods by which the Licensing Authority will accept electronic applications and notices is:-~~

- ~~• via the 'MySouthend' app on the council website [www.southend.gov.uk](http://www.southend.gov.uk)~~
- ~~• by email on [licact2003@southend.gov.uk](mailto:licact2003@southend.gov.uk)~~

## Appendices

The following appendices are attached to the policy rather than part of it. Accordingly, any edits made to them will not form part of a review of the Council's Statement of Licensing Policy

## Appendix A

### Contact details for the Licensing Authority and Responsible Authorities

All correspondence for the Licensing Authority should be addressed to:

#### The Licensing Authority

Southend-on-Sea City Council

Civic Centre

Victoria Avenue, Southend-on-Sea

Essex SS2 6ZG

Telephone: 01702 215005

Email [licact2003@southend.gov.uk](mailto:licact2003@southend.gov.uk)

The Responsible Authorities are:

#### a) The Chief Officer of Police

Licensing Department (Alcohol & Gambling)

Essex Police

Blyth's Meadow

Braintree

Essex

CM7 3DJ

Telephone: 101 ext 452035

Email [licensing.applications@essex.police.uk](mailto:licensing.applications@essex.police.uk)

#### b) The Fire Authority

The Divisional Commander

Essex County Fire and Rescue Service

Southend and Rochford Community Command

Sutton Road (Rear of Fire Station)

Southend-on-Sea

Essex SS2 5PX

Telephone: 01702 614433

#### c) The Health and Safety Enforcing Authority

Either (in respect of premises subject to Local Authority Enforcement)

The Food Safety Team

Regulatory Services

Southend-on-Sea City Council

Civic Centre, Victoria Avenue

Southend-on-Sea SS2 6ZG

Telephone: 01702 215005

Email [environmentalhealth@southend.gov.uk](mailto:environmentalhealth@southend.gov.uk)

or (in respect of premises subject to enforcement by the Health and Safety Executive)

The Health and Safety Executive  
Wren House  
Hedgerows Business Park  
Colchester Road  
Chelmsford  
Essex CM2 5PF

Telephone: 01245 706200

**d) The Local Planning Authority**

The Development Control Section  
Southend-on-Sea City Council  
Civic Centre, Victoria Avenue  
Southend-on-Sea SS2 6ZG

Telephone: 01702 215327

**e) The Local Authority with functions related to prevention of risk of pollution of the environment:-**

The Environmental Protection Team  
Southend-on-Sea City Council  
Civic Centre, Victoria Avenue  
Southend-on-Sea SS2 6ZG

Telephone: 01702 215005

Email [environmentalhealth@southend.gov.uk](mailto:environmentalhealth@southend.gov.uk)

**f) The body recognised by the Licensing Authority as being responsible for matters in relation to the protection of children from harm, and as being competent to advise on such matters:-**

The Department of Children & Learning  
PO Box 6  
Southend-on-Sea City Council  
Civic Centre  
Victoria Avenue  
Southend-on-Sea  
Essex SS2 6ZG

Telephone: 01702 215000

**g) The Weights and Measures Authority**

The Trading Standards Team  
Regulatory Services  
Southend-on-Sea City Council  
Civic Centre, Victoria Avenue  
Southend-on-Sea SS2 6ZG

Telephone: 01702 215005

Email [tradingstandards@southend.gov.uk](mailto:tradingstandards@southend.gov.uk)

**h) In relation to vessels only, the Navigation Authority having functions in relation to the waters where the vessel is usually moored or berthed. For this purpose, correspondence should be sent to:**

The Navigation Authority  
Port of London Authority  
London River House  
Royal Pier Road  
Gravesend  
DA12 2BG

Telephone: 01474 562200

**i) The Public Health Authority**

The Director of Public Health  
Southend-on-Sea City Council  
Civic Centre  
Victoria Avenue, Southend-on-  
Sea Essex SS2 6ZG

**j) Home Office (Immigration Office)**

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon CR9 2BY

Email [alcohol@homeoffice.gov.uk](mailto:alcohol@homeoffice.gov.uk)

**k) The Licensing Authority in its role as a Responsible Authority**

The Licensing Authority  
Southend-on-Sea City Council  
Civic Centre  
Victoria Avenue, Southend-on-Sea  
Essex SS2 6ZG

Telephone: 01702 215005  
Email [licact2003@southend.gov.uk](mailto:licact2003@southend.gov.uk)

Applicants are not expected to submit a duplicate copy of their applications for the consideration of the Licensing Authority in its role as a responsible authority (unless the plan is bigger than A3). The copy submitted for administration of the application will be forwarded electronically.

**Any further enquiries or assistance can be obtained from the Licensing Authority on the telephone number given above. These addresses were correct at the time of going to press but are subject to change without notice. ~~Any change made will not form part of a review of the Council's Statement of Licensing Policy~~**

## Appendix B

The Licensing Committee is responsible for making Licensing (Act) decisions and the scheme of delegation is as follows:

Matter to be dealt with	Full committee	Sub committee	Officers
Application for a personal licence		If a police objection is received	If no objection made
Application for premises licence or club premises certificate		If a relevant representation made	If no relevant representation made
Application for a provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence or club premises certificate		If a relevant representation made	If no relevant representation made
Application for a minor variation of a premises licence or club premises certificate			All cases
Application to vary designated premises supervisor		If a police objection is received	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection is received	All other cases
Application to review premises licence or club premises certificate		All cases	
Decision on whether a representation is irrelevant, frivolous or vexatious			All cases
Determination of a police objection to a temporary event notice		All cases	
Application for interim authority		If a police objection is received	All other cases
Decision on whether a representation is irrelevant, frivolous, vexatious etc.			All cases

Removal of the requirement for a Designated Premises Supervisor (DPS) and Personal Licence at Community Premises		If a police objection is received	All other cases
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## Appendix C

### Glossary of terms

**Age Verification Policy:** Policies and procedures for verifying the age of customers to prevent underage sales of alcohol and other age restricted products, including the use of identification checks and staff training in age verification techniques. The Licensing Authority expects a 'Challenge 25' scheme to be in place at all premises' which supply alcohol.

**Alcohol Management Plan:** A plan included in a premises licence application outlining measures to promote responsible alcohol consumption, such as staff training in responsible service of alcohol, refusal of service procedures, and promotion of non-alcoholic alternatives.

**Community Engagement:** Efforts made by licence applicants to engage with local residents, businesses, and community groups to address concerns and gather support for their licence application, such as holding public meetings or consultations.

**Consultation Period:** The period of time, set by regulation, during which applicable parties to the application can make a representation. The time varies according to the type of application, for example the consultation period on a premises licence is 28 days.

**Cumulative Impact Policy (CIP):** A policy adopted by a licensing authority under the Licensing Act 2003 to address concerns about the cumulative impact of licensed premises on a particular area, allowing the authority to refuse licence applications based on these concerns. Currently Southend does not have such a CIP but this would not prevent a representation being made on the cumulative impact a specific licensed premises application may have.

**Designated Premises Supervisor (DPS):** A person specified on a premises licence who is responsible for authorising the sale or supply of alcohol on the premises. The DPS must hold a valid personal licence.

**Home Office Guidance to Licensing Authorities:** Official guidance provided by the Home Office to licensing authorities regarding the implementation and enforcement of licensing



laws and regulations.

**Interim Authority Notice (IAN):** A notice that allows the continuation of licensable activities on premises following the death, incapacity, or insolvency of the premises licence holder, pending the grant of a new licence. Application must be made within 28 or the licence will lapse.

**Karaoke:** An activity involving the performance of music by individuals to pre-recorded backing tracks, often provided in licensed premises as a form of regulated entertainment.

**Licensing Act 2003:** The primary legislation governing the sale and supply of alcohol, the provision of regulated entertainment, and the sale of late-night refreshment in England and Wales.

**Licensing Authority:** The arm of the local authority responsible for issuing licences and regulating licensable activities within their jurisdiction under the Licensing Act 2003.

**Licensing Objectives:** The objectives outlined in the Licensing Act 2003 against which applications will be judged. The objectives are; the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

**Licensable Activities:** Activities regulated by the Licensing Act 2003, including the sale and supply of alcohol, the provision of regulated entertainment (such as live music, dancing, or indoor sporting events), and the sale of late-night refreshment.

**Noise Management Plan:** A plan included in a premises licence application detailing measures to minimise noise disturbance to neighboring properties, such as soundproofing measures, monitoring systems, or restrictions on outdoor activities.

**On and Off Sales:** The provision of alcohol for consumption both on and off the premises, permitted under certain licences.

**Operating Schedule:** A document submitted as part of a premises licence application that outlines how the licensable activities will be conducted on the premises, including proposed hours of operation, measures for the prevention of crime and disorder, and steps to promote public safety.

**Pre-application Consultation:** The obligation for licence applicants to consult with relevant stakeholders, including responsible authorities and local residents, before submitting a premises licence application or proposed variation.

**Premises Licence:** A licence granted under the Licensing Act 2003 that authorises the holder to carry out licensable activities on specific premises, such as selling alcohol or providing regulated entertainment.

**Private Events:** Occasions held on licensed premises that are restricted to specific invited guests or members, often requiring special permissions or temporary event notices.

**Public Notice:** A notice displayed at or near the premises and published in a local newspaper to inform the public of a premises licence application or variation, allowing interested parties to make representations. Public notices in online only 'newspapers' are not permitted.

**PSPO (Public Space Protection Order):** A measure introduced by local authorities in England and Wales to address specific nuisances or problems affecting a particular area, which may include restrictions on street drinking or other behaviours. Details of the latest PSPOs in Southend can be viewed on the Council website.

**Representation:** Objections or comments in favour made by interested parties, including residents, businesses, and responsible authorities, regarding licence applications or proposed variations to licences.

**Responsible Authorities:** Public bodies, such as the police, fire and rescue authorities, and environmental health authorities, which have a role in the licensing process and can make representations about licence applications.

**Review:** A process under the Licensing Act 2003 whereby the licensing authority may review a premises licence if there are concerns about the conduct of licensable activities on the premises or if representations have been made against the licence.

**Security Industry Authority (SIA):** A regulatory body responsible for regulating the private security industry in the United Kingdom, including licensing individuals working in roles such as door supervision, security guarding, and CCTV operation.

**Security Measures:** Measures implemented to ensure the safety and security of staff and customers on the premises, including the presence of trained security personnel, CCTV surveillance, and access control systems.

**Substantial Meal:** A meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal.

**Substantial Table Meal:** For the purposes of any references to a substantial table meal this means a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

**Table Meal:** A table meal is a meal eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purposes of a table.

**Temporary Event Notice (TEN):** A notice served under the Licensing Act 2003 by individuals or organisations wishing to hold temporary licensable activities at a premises that does not have a premises licence. Only The Police and Environmental Health can

make representation against a TEN.

**Training Requirement:** The obligation for individuals involved in the sale or supply of alcohol to undergo relevant training, to ensure they understand their legal responsibilities and obligations under the Licensing Act 2003.

**Variations:** Changes or amendments made to an existing premises licence, such as alterations to licensable activities, hours of operation, or conditions. Variations fall into include two categories:

- **Major Variations:** Significant changes to the premises licence, such as alterations to the layout of the premises, changes to licensable activities, or extensions to operating hours, which require a formal application process and involve public consultation and hearings.
- **Minor Variations:** Small adjustments to the premises licence that do not substantially alter the nature of the licensed activities, such as changes to the layout of the premises or amendments to existing conditions. Decision of these is delegated to the Licensing Officer and there is no hearing or right of appeal on the decision.

## **Appendix D**

### **Application process**

Applications for all premises licences and temporary event notices can be made online by using the links to the online forms at [Licensing - Alcohol and Entertainment](#) -

Alternatively, applications can be submitted by post to:

The Licensing Authority  
Southend-on-Sea City Council Civic Centre  
Victoria Avenue, Southend-on-Sea  
Essex SS2 6ZG

Applications for personal licences can be made via [mySouthend](#) with the original qualification certificate and original DBS certificate being sent to the address above.

### **Electronic 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 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 submit:

- a completed application form and a declaration form completed by the applicant that either they have not been convicted of a relevant offence or a foreign relevant offence or that they have 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 them in respect of it
- two passport photographs (one of which must be certified as a true likeness)
- the original of the applicant's licensing qualification certificate
- a basic criminal conviction certificate, or a criminal record certificate, (or share code to the check) or the results of subject access search on the police national computer by National Intelligence Service,
  - the criminal checks must not be more than 1 calendar month old when the application is received
- Proof of the applicant's right to work in the UK
- the appropriate fee

### Renewals

It is no longer necessary to renew personal licences. Personal licences that were previously issued showing an expiry date are still valid.

### Change of name or address to an existing Personal Licence

You must let us know:

Your name, address and contact details

The name of the business and its address

Details of the change

Once we receive your notification, and appropriate fee, we will issue you with an updated personal licence.

### **Premises licence and Club certificates**

To apply for a Premises Licence or 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.

Applications should be completed and submitted online at [www.southend.gov.uk](http://www.southend.gov.uk)

Please read the instructions and guidance notes before completing the form. When submitting the application, the following must be attached:

- the appropriate application fee, – please note a further fee for a Premises Licence or Club Certificate is payable annually on the anniversary of the granting of the application, and 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 which complies with the Regulations
- if alcohol is to be sold, the consent form completed by the proposed Designated Premises Supervisor
- if the applicant is an individual(s), proof of the entitlement to work in the UK

It is a requirement that copies of the application and supporting documentation are sent to the Responsible Authorities for consultation, detailed in Appendix A

For electronic applications the Licensing Authority will circulate the application and accompanying documents to the Responsible Authorities for consultation. If a paper application is submitted, the applicant must submit the application and documents to the Responsible Authorities

This must be done on the same day that the application is given to the Licensing Authority.

The application must be advertised by publishing a notice in a physical 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 'Advertising Applications Guidance Notes' below.

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 in a minimum of font 16. 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. A notice template can be downloaded from

[www.southend.gov.uk](http://www.southend.gov.uk)

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 online where possible 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
- iv. the addition of certain licensable activities

Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises;
- affecting access between the public part of the premises and the rest of the premises or the street or public way, for instance, block emergency exits or routes to emergency exits; or
- impeding the effective operation of a noise reduction measure such as an acoustic lobby.

Variations are excluded from the minor variations process and must be treated as full variations in all cases if they are to either:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am
- increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 7am and 11pm will be normally classed as minor variations.

Applications to vary the time during which other licensable activities take place should

be considered on a case-by-case basis with reference to the likely impact on the licensing objectives.

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 should be made online at [www.southend.gov.uk](http://www.southend.gov.uk) 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
- 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

The application should be submitted online; if a hard copy is submitted then the applicant must send a copy of the application and all accompanying documents must also be sent to the police at the address in Appendix A.

### **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.

### **Conditions attached to premises licences and club premises certificates**

Where applicable, mandatory conditions as laid out in the Licensing Act 2003 and any

subsequent legislation will be attached to Premises Licences and Club Premises Certificates when granted.

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. A pool of model conditions is provided to assist applicants. The Licensing Sub-Committee may also attach conditions following a hearing.

### **Advertising Applications Guidance Notes**

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, or 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) By displaying a notice:

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 physical 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. The statement shall include information on the days and times that any licensable activities will take place.



(i) In the case of an application for a Provisional Statement, the necessary notices:

- Ⓐ shall state that representatives are restricted after the issue of a Provisional Statement; and
- Ⓑ where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.

(ii) In the case of an application to vary a Premises Licence or a Club Premises Certificate, the required notices shall briefly describe the proposed variation

(iii) In all cases the required notices shall state:

- Ⓐ the name of the applicant or club;
- Ⓑ the postal address of the premises or club premises, if any; or if there is not postal address for the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;
- Ⓒ the postal address and, where applicable, the worldwide web address where the register of the licensing authority is kept and where and when the record of the application may be inspected;
- Ⓓ the date by which an interested party or responsible authority may make representations to the licensing authority;
- Ⓔ that representations shall be made in writing;
- Ⓕ that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence (level 5 on the standard scale).

#### Advertisement of applications by the Licensing Authority

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a 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.

#### **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 Southend City 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 TENs 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 objection 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 also 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)

## **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 Licensing Act 2003 (Hearings) Regulations 2005 ([legislation.gov.uk](http://legislation.gov.uk)) lists those provisions, the timescales within which hearings have to be held and those persons to whom notices must be given.

## **Appendix E**

### **Pool of Model Conditions**

The Responsible Authorities have produced this pool of model conditions to assist applicants in developing an operating schedule for presentation with their licence application. It represents those conditions which the authorities consider may be appropriate to a range of premises types and modes of operation and may be referred to when assessing whether to comment on an individual application or when liaising with an existing licence holder.

They are not standard conditions to be applied to each premises of a certain type. This pool is not an exhaustive list of conditions that an applicant, or responsible authority may propose. The Act requires that the merit of each application is individually reviewed and examined.

Where a condition includes {text in brackets} this indicates a choice of wording may be applicable.

For ease, the conditions have been placed into themes as below:

- General – all four licensing objectives
- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm; and
- Conditions applicable only to events/festivals or the dis-applying of the exemptions related to (otherwise) regulated entertainment upon review.

Furthermore, the third column in the tables that follow indicates the types of premises to which the relevant condition may be of most relevance, but this does not exclude it from any other type..

A	Pubs, wine bars etc. in urban settings (sales after midnight)
B	Pubs, wine bars etc. in urban settings ( <u>no</u> sales after midnight)
C	Pubs, wine bars etc. in rural settings
D	Qualifying clubs (Club Premises Certificate)
E	Night-clubs
F	Café bars
G	Hotels (premises operated exclusively as such)
H	Off-sales only premises
I	Restaurants (primarily operated as such)
J	Other entertainment venues (e.g. cinemas, bowling alleys, leisure complexes, licensed function rooms)
K	Take-away outlets
L	Festivals and music events
M	Any premises following review, warning or incidents of cause for concern
ALL	A condition that may be of relevance to any premises that sells or supplies alcohol

### General – all four licensing objectives

Number	Condition	Application to premises type
1	There shall be a personal licence holder on duty on the premises at all times when alcohol is offered for sale.	A, E
2	After (HH:MM) on {every day/specified days} there shall be a personal licence holder on duty on the premises when alcohol is offered for sale.	A, E

Number	Condition	Application to premises type
3	A Clubscan/IDSCAN or similar system shall be operated at the premises. All persons entering the premises shall provide verifiable ID and have their details recorded on the system.	E
4	<p>An individual may not supply alcohol unless that individual has the written consent of the Designated Premises Supervisor or other employed Personal Licence Holder.</p> <p>Such consent shall include the name and signature of both parties and the date of signing. This document shall be reviewed and updated at least annually.</p> <p>A written record of this consent will be retained on the premises at all times when such an individual supplies or proposes to supply alcohol and be made available immediately upon reasonable request of the police or licensing authority.</p>	ALL
5	<p>The Licensing Authority and Essex Police shall be provided with 21 days' notice where an event is to be held which is organised by an external promoter or is promoted/advertised to the public by an external promoter.</p> <p>This notice shall include full details of the nature of the event and the promoter and be e-mailed to <a href="mailto:licact2003@southend.gov.uk">licact2003@southend.gov.uk</a> and the central police licensing team (the address of which appears on the Essex Police website).</p>	E, J, L
6	There shall be no events at the premises that are organised, promoted or advertised by an external promoter (i.e. by an individual/organisation not directly related to the management of the premises).	E, J
7	In addition to water, other non-alcoholic beverages shall be available at all times whilst alcohol sale or supply takes place.	ALL

## Prevention of Crime and Disorder

Number	Condition	Application to premises type
8	<p>The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system that at all times complies with the below requirements:</p> <ul style="list-style-type: none"> <li>i. CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition;</li> <li>ii. CCTV cameras shall cover {all public areas including} all entrances and exits and all areas where the sale of alcohol takes place;</li> <li>iii. Equipment shall be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of {31} days;</li> <li>iv. At all times, whilst the premises is open for licensable activities, there shall be members of staff able to immediately provide viewable copies of recordings to the police or licensing authority staff upon reasonable request;</li> <li>v. The recording equipment and data storage devices shall be kept in a secure environment and fitted with security functions (such as passwords) to prevent recordings being tampered with;</li> <li>vi. An operational daily log report shall be maintained endorsed by signature, indicating the system has been checked and is compliant: in the event of any failure, this will be recorded immediately.</li> </ul>	A, B, E
9	<p>In addition to any local storage of CCTV images; CCTV images shall be (at the close of opening hours or contemporaneously) uploaded to an {off-site CCTV storage facility or to an off-site cloud based storage system} and remain accessible for a period of 31 days.</p> <p>These images shall be capable of being made available in accordance with paragraph IV above in the event of an on-site system failure or access issue.</p>	M
10	<p>Any failure of the CCTV system which cannot be rectified within {24} hours of discovery shall be reported to the central Essex Police Licensing Team by phone or e-mail (contact details as per Essex Police website).</p>	E
11	<p>The premises shall have installed and maintain a closed circuit television surveillance (CCTV) system which at all times complies with the below requirements:</p>	C, F, H, I

Number	Condition	Application to premises type
	<ul style="list-style-type: none"> <li>i. CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality {in all lighting conditions} particularly facial recognition;</li> <li>ii. CCTV cameras shall cover all entrances {and exits} and the areas where alcohol sales take place;</li> <li>iii. Equipment shall be maintained in good working order, be correctly time and date stamped, recordings must be kept in good working order and kept for a minimum period of {31} days;</li> <li>iv. Upon the reasonable request of the Licensing Authority or Police staff, within 48 hours viewable copies of recordings will be provided.</li> </ul>	
12	Signs shall be displayed at all entrances {and exits} advising customers that CCTV is operating at the premises and shall be a minimum size of 200 x 148 mm and clearly legible at all times when the premises conducts licensable activities.	All (where CCTV in use)
13	<p>An incident log shall be kept at the premises, and made immediately available to police or licensing authority staff upon reasonable request.</p> <p>The log shall be completed as soon as is possible and within any case within 4 hours of the occurrence and shall record the following:</p> <ul style="list-style-type: none"> <li>(a) {all crimes reported to the venue}</li> <li>(b) {all ejections of patrons}</li> <li>(c) {any complaints received concerning crime and disorder}</li> <li>(d) {any incidents of disorder}</li> <li>(e) {all seizures of drugs or offensive weapons}</li> <li>(f) {any faults in a CCTV system, searching equipment or scanning equipment mandated as a condition of the licence}</li> </ul> <p>The incident log shall either be electronic or maintained in a bound document with individually numbered pages and be retained for at least {12} months from the date of the last entry.</p>	All
14	<p>Where SIA licensed door supervisors are used at the premises a record shall be maintained (on the premises) which is legible and details:</p> <ul style="list-style-type: none"> <li>i. The day and date when door supervisors were deployed;</li> <li>ii. The name and SIA registration number of each door supervisor on duty at the premises; and</li> <li>iii. The start and finish time of each door supervisor's worked duty period.</li> </ul>	All

Number	Condition	Application to premises type
	This record shall be retained on the premises for 31 days and be immediately provided to police or licensing authority staff upon reasonable request.	
15	<p>Where SIA licensed door supervisors are employed at the premises (either directly or via a third party) a check of the current validity of each door supervisor's licence shall be conducted via the SIA website at the commencement of employment at the premises and monthly thereafter and recorded in a log.</p> <p>This log shall be retained for at least {6} months after the last recorded check and be immediately provided to police or licensing authority staff upon reasonable request.</p>	All venues where door staff are utilised
16	<p>Door supervision by SIA licensed door supervisors must be provided {every day/on (specify days)}.</p> <p>On these days, door supervisors must be on duty {at all times/from (HH:MM)} whilst the premises is open and for at least {30} minutes after the premises has closed.</p>	A, B, E, K, L
17	On {all days/specify days} at least {insert number} SIA licensed door supervisors shall be on duty at the {premises/location at the premises} {at all times/from (HH:MM)} whilst the premises is open and for at least {30} minutes after the premises has closed.	A, B, E, K, L
18	On any occasion where the premises conducts licensable activities past (HH:MM) hours, at least {insert number} SIA licensed door supervisors must be on duty from (HH:MM) hours until at least {30} minutes after the premises closes.	A, B, E, K, L
19	<p>All persons entering or re-entering the premises shall {at all times/after (HH:MM)} be searched by a SIA licensed door supervisor for drugs and concealed weapons.</p> <p>Prominent signs (minimum size 200 x 148 mm) to this effect shall be displayed at all entrances and be legible to prospective patrons whilst the premises is open for licensable activities.</p>	A, E
20	<p>No persons shall be admitted or re-admitted to the premises {at any time/after (HH:MM)} unless they have passed through a metal detecting search arch and, if the search arch is activated, physically searched by a SIA licensed door supervisor.</p> <p>Prominent signs (minimum size 200 x 148 mm) to this effect shall be displayed at all entrances and be legible to prospective patrons whilst the premises is open for licensable activities.</p>	M
21	{At all times/ after (HH:MM) each day/ on specified days} SIA licensed door supervisors shall supervise any queue to enter the premises that forms outside the premises.	A, E, J, L
22	All SIA licensed door supervisors engaged at the premises for the purpose of supervising or controlling queues or customers must wear high visibility {jackets/vests/ armbands}	ALL



Number	Condition	Application to premises type
23	<p>At all times, admission to the premises shall remain under the exclusive control of the premises' management and staff and any SIA licensed door supervisors deployed shall be hired (directly or indirectly) by the premises licence holder, designated premises manager or some other responsible person directly involved in the management of the premises.</p> <p>This requirement exists even where:</p> <ul style="list-style-type: none"> <li>i. The premises is hired/used by independent promoters; or</li> <li>ii. An arrangement exists with an independent promoter who arranges an event that includes admission to the premises.</li> </ul>	E, J
24	<p>The premises shall have in place and operate a zero tolerance policy with regard to the use/possession of controlled drugs and psychoactive substances and advertise the same within the premises on posters and similar means.</p> <p>This policy shall specifically include but not be limited to:</p> <ul style="list-style-type: none"> <li>i. Searching practices upon entry;</li> <li>ii. Dealing with patrons suspected of using drugs on the premises;</li> <li>iii. Scrutiny of spaces including toilets or outside areas;</li> <li>iv. Clear expectations of staff roles (including the DPS, managers/supervisors and door supervisors);</li> <li>v. Staff training regarding identification of suspicious activity and what action to take;</li> <li>vi. The handling of items suspected to be illegal drugs or psychoactive substances</li> <li>vii. Steps taken to discourage and disrupt drug use on the premises</li> <li>viii. Steps to be taken to inform patrons of the premises drug policy/practices</li> </ul> <p>A copy of this policy document shall be lodged with the Police {and Licensing Authority}.</p>	A, B, E, J, L
25	<p>During the period in which the premises is open for licensable activities, toilets shall be checked on at least an hourly basis for the purpose:</p> <ul style="list-style-type: none"> <li>a) of detecting and deterring the use of controlled drugs and psychoactive substances; and</li> <li>b) maintaining public safety.</li> </ul> <p>A record of these checks shall be maintained with the date, time, and condition of the toilets and staff member conducting the check.</p>	A, E

Number	Condition	Application to premises type
	These records shall be made contemporaneously, retained at the premises for at least {3} months and made available immediately upon demand to Licensing Authority or Police staff.	
26	A suitable drugs safe/cabinet shall be fitted and any seized items shall be deposited in it. The safe shall be installed at the {main entrance/location} and only the police shall have the access keys. Any seized items shall be placed in a clear bag with a label stating the circumstances of why it is in the safe.	E, J
27	Between (HH:MM) and (HH:MM) no sales of alcohol for consumption off the premises may take place.	ALL
28	Substantial food and non-intoxicating beverages shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises {at all times/up to (HH:MM) hours}.	F, I

## Public Safety

Number	Condition	Application to premises type
29	{At all times/after (HH:MM) hours} no persons shall be permitted to take bottles, glasses or drinking vessels {from the premises/into (specified area)}.  Conspicuous signage of a minimum A5 size (200mm x 148 mm) shall be displayed, at each ingress/egress point explaining this policy.	ALL
30	{At all times/after (HH:MM) hours on all/specified days} drinks must only be served in {polycarbonate/plastic and/or toughened glass} containers.	ALL
31	Drinks shall only be served in {polycarbonate/plastic and/or toughened glass} containers; save with the exception of bottles of champagne (or similar) or spirits supplied by waiter/waitress service to tables.  Customers shall not be permitted to leave their table carrying any such glass bottles.	E, J
32	No more than {X} customers shall be permitted on the premises at any one time.	E, J, L
33	A qualified first-aider shall be on the premises after (HH:MM) each day when the premises is open for the sale of alcohol.  The first aider must have a valid (non-expired) qualification in Emergency First Aid at Work or higher.	E, L

## Prevention of Public Nuisance

Number	Condition	Application to premises type
34	Other than wine or spirits, no product with an alcohol by volume content above 6.5% may be sold or offered for sale.	H
35	No product with an alcohol by volume content above {insert percentage} may be sold or offered for sale.	H
36	No beers, lagers or ciders over {insert figure} % ABV shall be sold by retail in plastic or metal containers.	H
37	All alcoholic drinks offered for sale for consumption off the premises shall be clearly labelled with the name and postcode of the premises.	H
38	Clear and legible notices shall be prominently displayed at any area used for smoking requesting customers to respect local residents and use the area quietly.  {These signs shall be a minimum size of A5 (200mm x 148 mm)}.	ALL + K
39	Between (HH:MM) and (HH:MM) no use shall be made of {specified external areas such as smoking area/beer garden etc.}	ALL + K
40	Customers shall not enter or leave the premises by (insert specific entrances or exits) {at any time/after (HH:MM)}, except in the event of an emergency.	ALL + K
41	{All external emergency exit doors or other specified exit/entry doors} shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.	ALL + K
42	Between (HH:MM) and (HH:MM) no persons shall be admitted or re-admitted to the premises {except for persons who have temporarily left the premises to smoke}.  Notices to that effect of a minimum of A5 size (200mm x 148mm) will be displayed at the premises' exits.	A, E
43	Between (HH:MM) and (HH:MM) patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.  Notices to that effect of a minimum of A5 size (200mm x 148mm) will be displayed at the premises' exits.	ALL
44	Between (HH:MM) and (HH:MM) no persons shall be re-admitted unless from a designated smoking area.  Notices to that effect of a minimum of A5 size (200mm x 148mm) will be displayed at the premises' exits.	ALL
45	Customers shall not be permitted to remove from the premises late night refreshment provided at the premises between {(HH:MM) and (HH:MM)} hours.	I, F

46	Between (HH:MM) and (HH:MM) alcohol shall be sold or supplied only to residents and their bona fide guests.	G
47	Customers shall not be permitted to remove from the premises any drinks supplied by the premises in open containers.	ALL
48	Outside tables and chairs {specify location as necessary} shall be rendered unusable and immovable by (HH:MM) hours each day.	ALL + K
49	There shall be a {specify} minute period where music volume is reduced and lighting increased before the end of the provision of live or recorded music.	A, E, L
50	Except when being used for access or egress by a patron, all external windows and doors shall be kept shut {at all times when music is being played} and/or {after (HH:MM) hours at any other time}.	ALL
51	No music, nor late night refreshment, shall be provided to external areas {at any time/after (HH:MM) hours}.	
52	Queuing outside the premises shall be restricted to a designated area located at (specify location)	ALL + K
53	A written dispersal policy shall be formulated and provided to the Licensing Authority and Police which amongst other things details: <ul style="list-style-type: none"> <li>• How patrons leaving the premises shall be directed away from the premises;</li> <li>• How patrons will be informed of the services of taxi and private hire operators;</li> <li>• What staff will be responsible for supervising those leaving the premises and how they will supervise such persons;</li> <li>• Any 'wind' down periods;</li> <li>• Methods to prevent re-entry to the premises;</li> <li>• How bottles and glasses will be prevented from being removed from the premises at closing time.</li> </ul>	A, E, K, L
54	The premises shall comply with the Portman Group's Retailer Alert Bulletins (RABs) as they relate to Portman Group's Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.	H
55	The premises shall operate as a restaurant: <ol style="list-style-type: none"> <li>i. In which customers must be seated at a table;</li> <li>ii. Which provides substantial table meals that are prepared on the premises and are served and consumed at the table;</li> <li>iii. Which do not provide any take away service of food or drink for immediate consumption; and</li> <li>iv. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.</li> </ol>	I
56	Service of alcohol shall be by waiter/waitress only to patrons seated at a table and who have or intend to have a substantial meal.	I
57	No persons shall be supplied with alcohol at a bar or place of similar description within or outside the premises.	I

58	Between (HH:MM) and (HH:MM) a minimum of {insert number} 'covers' where table meals may be consumed shall be provided.	F, I
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## Protection of Children from Harm

Number	Condition	Application to premises type
60	There shall be no striptease or nudity except when the premises are operating under the authority of a Sexual Entertainment Venue licence.	M
61	The premises shall display prominent signage indicating [at any point of sale] {at the entrance to the premises} {in all areas where alcohol is located} that it is an offence:  {for a person under the age of 18 to buy or attempt to buy alcohol}; or {buy, or attempt to buy, alcohol for a person under the age of 18}.	ALL
62	A Challenge 25 scheme shall be operated, whereby any person who appears to be under the age of 25 years of age is required to produce on request an item which meets the mandatory age verification requirement <b>and</b> is either a: <ul style="list-style-type: none"> <li>• Biometric Home Office photo ID</li> <li>• European National ID Card</li> <li>• Ministry of Defence Form 90 (Defence Identity Card)</li> <li>• Passport (UK or International)</li> <li>• Photo Driving Licence (UK or European)</li> <li>• Proof of Age Standards Scheme (PASS) card</li> </ul> <p>Where Home Office approved (not yet approved) digital proof of identity assurance technology is in use, this condition applies only when confirming that a person is 18 years or older following a failure of that technology to do so.</p>	ALL
63	The premises shall clearly display signs at each point of sale and in areas where alcohol is displayed advising customers that a 'Challenge 25' policy is in force.  At the point of sale, such signs shall be a minimum size of A5 (200mm x 148mm).	ALL
64	A legible refusals record shall be maintained at the premises which details all refusals to sell alcohol. Each entry shall, as a minimum, record the date and time of the refusal and the full name of the staff member refusing the sale.  All entries shall be made as soon as possible and in any event within 4 hours of the refusal and the record shall be made	ALL

Number	Condition	Application to premises type
	<p>immediately available to Police, Trading Standards or Licensing Authority staff upon reasonable request.</p> <p>The refusals record shall be either electronic or maintained in a bound document and retained for at least {12} months from the date of the last entry.</p>	
65	Each till at the premises shall incorporate a system which immediately identifies that an age restricted product is the subject of the proposed sale and produces an appropriate age prompt to the operator.	H, M
66	<p>All staff engaged in the sale or supply of alcohol on the premises shall have received training in relation to the protection of children from harm (including under-age sales), how to recognise drunkenness and the duty not to serve drunk persons. Refresher training shall be carried out at least every six months.</p> <p>Written training records shall be kept on the premises (or otherwise be accessible on the premises) for a minimum of 12 months and made immediately available to Police, Trading Standards or Licensing Authority staff upon reasonable request.</p> <p>Such records shall include the name and signature of the trainee and the date and subject of the training course.</p>	ALL
67	<p>Persons under the age of 18 years shall not be allowed entry to the premises save on occasions when either:</p> <ul style="list-style-type: none"> <li>• An 'under 18' event is held without the sale or supply of alcohol, or</li> <li>• The premises are exclusively used for a private function, for example wedding reception, engagement party employers Christmas party etc. and any person under 18 is accompanied by a responsible adult.</li> </ul>	E, L
68	No person under the age of 18 years of age shall be permitted to enter or remain on the premises {unless they are accompanied by an adult} when the sale or supply of alcohol takes place; save to enter/exit residential parts of the building.	ALL
69	At all times when entertainment, activity or services of an adult nature takes place (which is not subject to a sexual entertainment licence) no persons under the age of 18 shall be permitted to be present.	ALL
70	<p>All staff employed in licensed areas of the premises shall have received training in the recognition of child sexual exploitation and the steps to be taken when such activity is suspected. Refresher training shall be carried out at least annually.</p> <p>Written training records shall be kept on the premises for a minimum of 12 months and made immediately available to Police or Licensing Authority or authorised child protection staff upon</p>	ALL

Number	Condition	Application to premises type
	request. Such records shall include the name and signature of the trainee and the date of the training course.	
71	No events solely for those under the age of 18 will be permitted on the premises.	M
72	<p>Where the premises is used to hold an event advertised primarily for persons under the age of 18 years of age:</p> <ol style="list-style-type: none"> <li>i. At least 1 male and 1 female SIA licensed door supervisor shall be on duty;</li> <li>ii. No person shall be admitted without being searched for alcohol, controlled drugs, psychoactive substances or weapons;</li> <li>iii. No person aged 18 years of age or older shall be admitted – except for staff or event organisers;</li> <li>iv. No sale or supply of alcohol shall take place in any part of the premises until all persons at that event have been cleared from the premises;</li> <li>v. At least one person will be made available throughout the event who has been subject of an enhanced DBS (including child barred list) check.</li> </ol>	

## Special Events

Number	Condition	Application to premises type
73	<p>The premises licence operator or their agent shall complete an Event Management Plan in respect of the {time limited event/licensed event}.</p> <p>This EMP shall be first submitted to the Licensing Authority no later than {insert number of weeks} weeks before the event.</p> <p>No later than {insert number of} weeks before the intended first day of the event, the Licensing Authority and Safety Advisory Group shall be provided with a final version of the EMP for consideration.</p> <p>{Where the Licensing Authority or a Safety Advisory Group declares the final version of the EMP as unsatisfactory and specifies that it considers that one or more of the licensing objectives is likely to be undermined the {sale/supply of alcohol and/or the provision of regulated entertainment{ shall not be permitted under the licence.}}</p> <p>{Where the licensing authority or a Safety Advisory Group states it cannot approve the final version of the EMP specifies that it considers that one or more of the licensing objectives is likely to be undermined the {sale/supply of alcohol and/or the provision of regulated entertainment{ shall not be permitted under the licence.}}</p> <p>{Where the final version of the EMP is not rejected, this shall be complied with and no changes may be made to it without the prior written consent of the Licensing Authority.}}</p>	L .



## Miscellaneous

74	<p>{At least X} {all} door supervisor(s) supervising the entrance to the premises shall wear Body Worn Video Cameras (BWV). Recordings of BWV shall be retained for a minimum of 31 days and be made available to Essex Police or an authorised officer of the Licensing Authority upon reasonable request.</p> <p>OR</p> <p>{At least X} {all} door supervisor(s) shall wear Body Worn Video Cameras (BWV). Recordings of BWV shall be retained for a minimum of 31 days and be made available to Essex Police or an authorised officer of the Licensing Authority upon reasonable request.</p> <p>OPTIONS</p> <p>These devices shall be capable of continuous recording for at least 6 hours and shall be used in a continuous recording mode whilst a door supervisor is performing licensable activities.</p> <p>OR</p> <p>These devices shall be set to record whenever a door supervisor uses or foresees the use of force.</p> <p>OR</p> <p>Door supervisors shall be required to activate the recording function of such devices under the following conditions:</p> <ol style="list-style-type: none"><li>1. Any use of force situations;</li><li>2. When it may be reasonably supposed a use of force situation is imminent;</li><li>3. When conducting a non-intimate consensual search as a condition of entry;</li><li>4. When dealing with an individual who is making threats of violence toward any other person; or</li><li>5. Initial scene capture where a criminal offence appears to have taken place.</li></ol>	
75	<p>Each and every door supervisor employed at the premises shall have:</p> <ol style="list-style-type: none"><li>a) Undertaken a refresher course in physical intervention skills (provided by a trainer who themselves has been trained by a SIA - endorsed awarding organisation and has a SIA required qualification for trainers); and</li><li>b) To have received such training in the last 12 months.</li></ol>	

	<p>c) Proof of a) and b) to be made available to police, SIA or licensing authority staff within 3 working days.</p> <p>OPTION</p> <p>Within one month of the grant of this licence 50% of door supervisors on duty at any one time shall have received the training shown at a) above rising to 100% within two months thereafter.</p>	
76	Off-sales shall not be permitted to persons on or in the immediate vicinity of the premises: sales of alcohol for consumption off the premises may only be made to persons at another location to whom alcohol will be delivered by the licence holder or his agent. .	H
77	Where alcohol is to be delivered to a customer; proof of age consistent with the mandatory condition shall be required before the delivery is completed.	H
78	Order payments shall only be taken by credit/debit card via web sales {or telephone} (no payment will be accepted at the door).	H
79	Alcohol sales shall only be made where a food sale takes place as part of the same transaction.	H
80	On commencement of initial employment at the venue, each door supervisor shall be briefed by both a head doorman and a management representative which covers use of force, the tone to be set etc. and a record made of who delivered the briefing and to whom. This briefing will be refreshed every six months and similarly recorded.	H
81	The premises shall not directly employ door supervisors, rather any door supervisors deployed at the premises must be employed via a third party contractor who is a member of the SIA Approved Contractor Scheme (and approved for door supervision) and where the door supervisors are not self-employed operatives.	H
82	The Designated Premises Supervisor and those in a management or supervisory position shall have undertaken a managing customer conflict in hospitality course (or similar) which provides evidence of completion. Such evidence of completion shall be maintained in the individual's training record.	H