

## **LICENSING AND SAFETY COMMITTEE**

**24 OCTOBER 2017**

### **LICENSING ACT 2003 – LICENSING POLICY CONSIDERATIONS**

Report from: Perry Holmes - Chief Legal Officer

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#### **Summary**

The Licensing Act 2003 requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council's current Policy Statement took effect from 1 May 2013. This report provides Members with information and guidance on a brand new Statement of Licensing Policy under the Licensing Act 2003 which requires approval for public consultation.

#### **1. Budget and Policy Framework**

- 1.1 The Committee's terms of reference state that the Licensing and Safety Committee will recommend to Council approval of the Statement of Licensing Policy.
- 1.2 The Council approved the existing Statement of Licensing Policy for use on 25 April 2013.

#### **2. Background**

- 2.1 In its role as the Licensing Authority under the Licensing Act 2003, the Council has a duty to prepare, and keep under review, its Statement of Licensing Policy. This sets out how the authority approaches its responsibilities under the Act. There has been a range of legislative and other changes that have been taken into account as part of the review of this policy, which must be publicly consulted upon before it can be adopted.
- 2.2 Section 5 of the Licensing Act 2003 (the Act) states that each Licensing Authority must –

- 5 (a) determine its policy with respect to the exercise of its licensing functions; and
- (b) publish a statement of that policy before the beginning of that period.

2.3 Underpinning that obligation are the four Licensing Objectives which are as follows:

The Prevention of Crime and Disorder  
Public Safety  
Prevention of Public Nuisance  
Protection of Children from Harm

Equal weight is given to all four Licensing Objectives and the policy must seek to secure the promotion of these objectives throughout the licensing process.

- 2.4 The policy in its current format does not reflect the Licensing Authority's approach to new initiatives or legislative changes, for example the introduction of Cumulative Impact Policy areas and changes in legislation in respect of interim steps in connection with summary reviews.
- 2.5 The policy needs to provide greater clarity to applicants and other parties to enhance the application process, to create efficiencies and to manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of their licensed business or proposed activities on others and what they must do to enhance the positive impacts and mitigate any detrimental impacts through their operating schedules and self-imposed licence conditions.
- 2.6 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version has been referred to during the drafting of this policy. In preparing the draft policy it was determined that the policy needed to be a brand new document rather than an amendment to the existing document.
- 2.7 The main changes proposed in the draft policy for consultation are summarised below:
  - Links to the Corporate Plan are inserted, setting out visions and values to reflect local policy direction and key aims and objectives of strategic partners within the borough.
  - The expectations for applicants to demonstrate their social responsibility, particularly in areas affected by street drinking.
  - Additional guidance on the protection of children from harm to improve links to child protection.
  - A new section on Cumulative Impact Policies to provide clarity on these policies with respect to the determination of applications; there are no such policies in place currently.
  - Inclusion of public health information throughout the policy for information and guidance.

- 2.8 The benefits of approving the draft new policy for consultation are that the Licensing Authority will have a secure foundation on which to determine applications in a way that clearly promotes the licensing objectives, protects residents and allows the vision for the Council to be achieved through a clear, fair and robust licensing process underpinned by the policy.

### **3. Risk Management**

- 3.1 This review of the Statement of Licensing Policy is a key document in relation to the Council's position in continuing to implement the Licensing Act's objectives and consideration of subsequent licensing applications. It should be noted that an inappropriately worded policy could result in a legal challenge by way of judicial review.

### **4. Financial and legal implications**

- 4.1 There are no direct financial implications for Medway Council concerning this matter at present. However, if at any time in the future the policy was subject to legal challenge, there could be costs associated with this process.
- 4.2 The Authority's licensing policy provided the framework on which the Licensing Service under the Licensing Act 2003 is administered. This policy is not only important in setting out the Licensing Authority's approach to the Licensing Act; it will also be considered and referred to by the Magistrates' Court on appeal. The Magistrates' Court may decide to depart from the policy if it has good reason for doing so.
- 4.3 The Magistrates' Court may also decide that an appealed decision of the Authority was not reflective of the policy and that no good reason was given by the authority to depart from the policy when making that decision. In that case the appealed decision may be referred back to the local Authority to reconsider in line with its policy.

### **5. Recommendation**

- 5.1 That the Committee authorises officers to place the draft Statement of Licensing Policy, attached at **Appendix A**, on the Council's website, advertise it and consult with all relevant interested parties.
- 5.2 That the results of the consultation be reported back to a future meeting of the Licensing and Safety Committee when the Committee will be asked to recommend the revised Statement of Licensing Policy to Full Council for approval.

#### **Lead officer contact**

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#### **Appendices**

Appendix A – Draft Statement of Licensing Policy.

#### **Background papers**

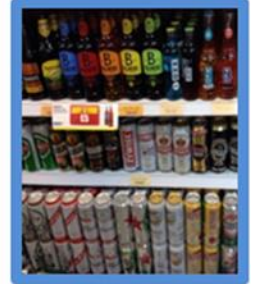
None





# Licensing Act 2003

## Statement of Licensing Policy



Approved by full council - \*\*

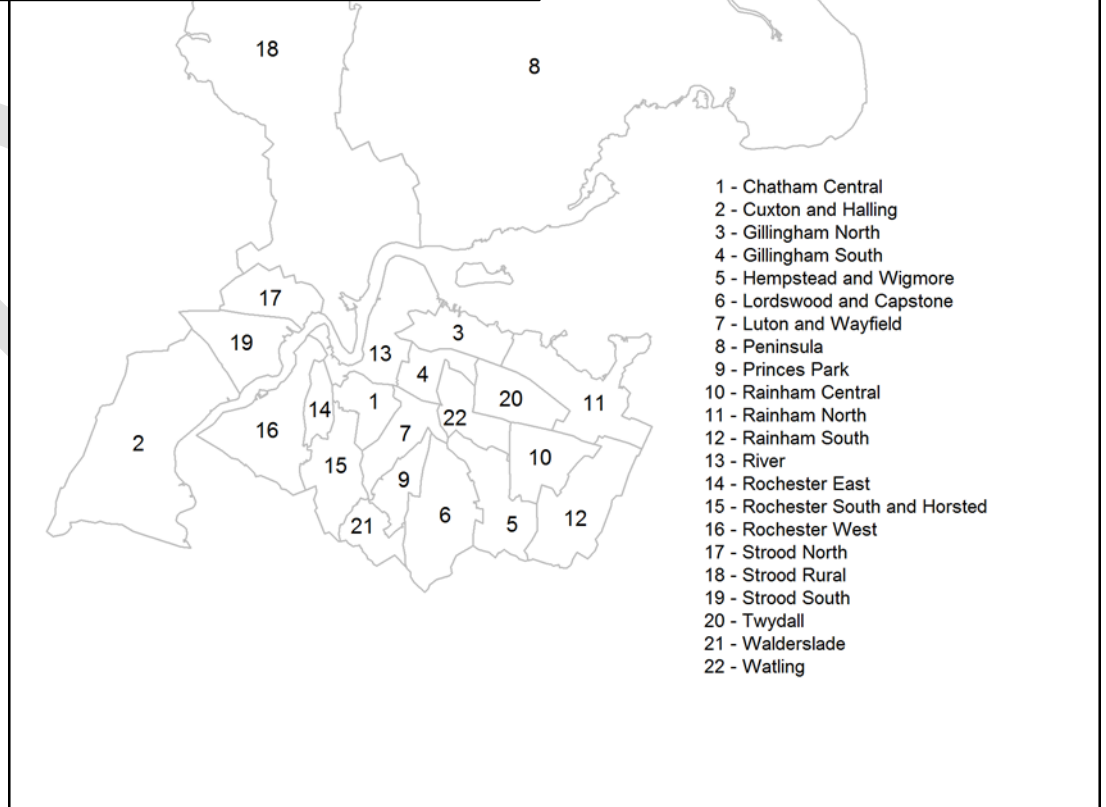
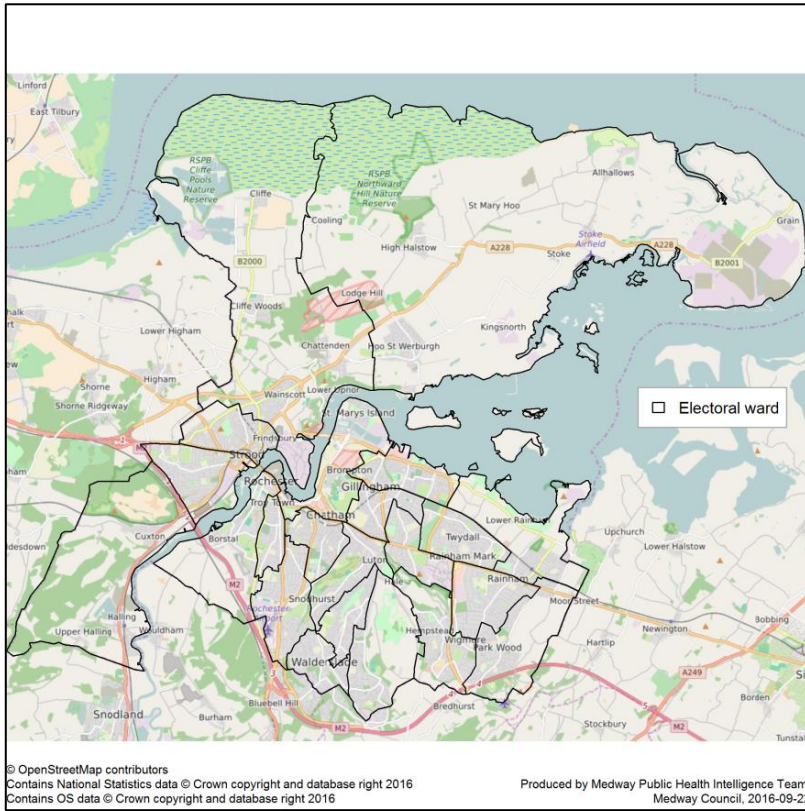
In force from - \*\*

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## Medway Ward Map



## *Introduction and legal context*

# 1

- 1.1 The Licensing Authority ('the Authority') is required to publish a Statement of Licensing Policy ('the Policy'). This policy has been prepared and published in accordance with the provisions of the Licensing Act 2003 ('the Act') and the Guidance issued under section 182 of the Act ('the Guidance').
- 1.2 In drawing up this policy Medway Council ('the Council') has had regard to the nature of the area and the needs and wishes of local communities and business. We have consulted with all the statutory consultees, residents and businesses and given due consideration to all comments received.
- 1.3 This policy is intended to inform and guide applicants, responsible authorities and other persons about how the Authority will make licensing decisions. An application that follows this policy is less likely to give rise to relevant representations, or, if the Authority is asked to make a determination on receipt of representations, less likely to have additional measures imposed to promote the licensing objectives. This approach is supported by Guidance and case law. In the British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council [2005] EWHC 1318 (Admin) Mr Justice Richards stated

*'A policy ... not only guides the decision-maker but also serves to inform an applicant about what he should consider in preparing his application. Far from being objectionable, that is one of the purposes of having such a policy...An application that takes account of the matters set out in the policy, for example by including what is referred to in the policy or by giving a reasoned justification for not doing so, is less likely to give rise to relevant representations and more likely to be granted without additional conditions.'*  
[para 82]

- 1.4 The licensing regime is built around the promotion of the licensing objectives
  - The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm
- 1.5 The Policy is intended to support the aims of promoting the licensing objectives by giving the Authority the policies to effectively manage the evening and night time economy, promote business and improve our communities, but it is also intended to reflect the needs and concerns of our residents and responsible authorities. It



represents the Authority's view of the most appropriate way of promoting these four objectives in Medway and its expectations of applicants, responsible authorities and other persons. This approach is supported by Guidance and case law. In the *British Beer and Pub Association, The Association of Licensed Multiple Retailers, The British Institute of Innkeeping v Canterbury City Council* [2005] EWHC 1318 (Admin) Mr Justice Richards stated

*'The council is entitled to indicate in the policy its own expectations with regard to the promotion of the licensing objectives; and I do not think that an applicant can legitimately complain if a failure to take account of those expectations gives rise to representations...An applicant who does not tailor his application to the policy therefore faces an uphill struggle.'* [para 83]

- 1.6 In formulating this Policy, the Authority has had regard to the provisions of the European Convention on Human Rights that everyone has the right to respect for his home and private life and that every person is entitled to the peaceful enjoyment of his possessions. The Human Rights Act 1998 makes it unlawful for a public authority to act in a way that is incompatible with a convention right. Consequently, an aim of this Policy Statement, particularly in relation to the decision-making process of the Council Corporation, is to ensure that a licensing decision does not breach such a right.
- 1.7 The Equality Act 2010 and prior legislation requires the Council to give due regard to the elimination of unlawful discrimination when exercising its public duties, to promote equality between people who share and do not share a particular protected characteristic and to promote good relations between people who share and who do not share a particular characteristic
- 1.8 The Equality Act 2010 defines a number of protected characteristics and generally provides that no one should be discriminated against or subject to less favourable treatment on the basis of these characteristics. The characteristics are age, disability, ethnicity & race, gender, gender reassignment, marriage or civil partnership status, pregnancy or maternity status (including nursing mothers), religious or philosophical belief or non- belief and sexual orientation. It also ensures rights of access to everyday facilities and services and, in the context of disability, may require service providers to consider making permanent physical adjustments to their premises.
- 1.9 The Authority expects licensees to be familiar with the contents of any codes of practice issued by the government under the Equality Act 2010.
- 1.10 This policy statement is to aid everybody in the application process, and will be used as part of the decision-making process by the Authority and covers: -
  - new applications
  - provisional statements

- transfers
- designated premises supervisor changes
- variations
- temporary event notices
- personal licences
- renewals, where applicable
- reviews of premises licences or club premises certificates

1.11 This Policy and attached appendices may be amended if there are changes in legislation or case law and the Authority deems it appropriate to make changes. Only changes made to the main policy document will be consulted upon, any changes to the appendices will be at the Authority's discretion.

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**'The Licensing Authority wants Medway to be a great place to live, work and visit, with a wide choice of high quality and well maintained licensed venues within a safe environment, while supporting and protecting the growth of our towns, district centres and developing communities'**

- 2.1 Medway sits at the mouth of the River Medway on the north Kent coast. The five historic towns of Strood, Rochester, Chatham, Gillingham and Rainham are linked by the A2 and form a complex urban conurbation, which retains the distinct identities of the individual towns and their suburbs. There is also a large countryside element with the urban area surrounded by a network of villages on the Hoo Peninsula and the Medway Valley.
- 2.2 Medway is one of the largest urban areas in the south east, and has been growing rapidly in recent years to a population of 276,492 in 2015. The population has a slightly younger age profile than the Kent and England averages, and has an increasing number of people over 65 years. This has implications for services such as leisure and shopping facilities. Medway has seen steady growth in recent years, and this is projected to continue with expansion of the population projected to reach 330,200 people in 2035. In contrast to other areas in Kent, much of Medway's growth is from natural change, with births outnumbering deaths.
- 2.3 Licensing policy has a strong role to play in supporting the delivery of the Council vision for Medway by providing the right policy framework, within a licensing context, to ensure it is a safe and welcoming place, which appeals to all, and protects and supports our communities. It is therefore important the policy statement, as far as is reasonably practicable, supports, and is consistent with, the strategic aims of the council and its partners. This approach is supported by the Guidance.
- 2.4 Other Council policies, plans and strategies which support, and are supported by, this Policy are listed below with the web links listed at Appendix 13:
- The Local Plan,
  - The Sustainable Community Strategy 2010-26: City of Medway: Rich Heritage, Great Future,
  - The Council Plan
  - Joint Health and Wellbeing Strategy for Medway,

- Medway's Cultural Strategy
  - Local Transport Plan
  - Medway Regeneration Framework
  - Community Safety Plan
  - Medway Children's Action Network – Early help strategy
  - Medway Safeguarding Children Board – Kent and Medway Safeguarding Procedures
- 2.5 The Authority wants members of the licensing trade to be part of our vision and to help shape the future of our communities, centres and environment.
- 2.6 The Authority has an important role in supporting Medway's cultural identity, which sets us apart as an attractive and dynamic place to live, work, study and visit. Medway is unique due to the combination of rich history, naval heritage, world-renowned connections with Charles Dickens, a growing arts scene, and more than 30 days of free festivals and events every year. Our cultural offer also brings economic benefits, accounting for around 15% of Medway's economy.
- 2.7 An important part of the cultural offer is the dynamic night time economy, centred around Rochester, but with other, smaller, centres in Chatham and Gillingham, consisting of pubs, nightclubs, restaurants and late night bars. It is an important part of our economy, providing employment and attracting tourists and visitors. However there is also a tension between residents and these businesses. Our residents, responsible authorities and other agencies tell the council that crime, disorder and public nuisance associated with late night licensed premises, their customers and alcohol misuse can cause problems.
- 2.8 By working together with the licensing trade, responsible authorities and residents the Authority want to create a vibrant, safe and welcoming early evening and night-time economy, which supports and promotes local businesses, creating the environment for viable and sustainable business models supporting the council's regeneration goals. The Authority wants to encourage and support family friendly venues and businesses which are not alcohol led, broadening the cultural offer to a greater number of people, both residents and visitors.
- 2.9 Medway experiences local problems and trends such as pre loading, binge drinking and street drinking, created, in part, by the availability of cheap alcohol and the fierce price competition between the many off licenced premises, particularly in the more deprived areas and our neighbourhood centres. Off sales are also evidenced to fuel domestic abuse, crime, anti-social behaviour and alcohol related health harms, all of which are, again, greatest in our more deprived areas. There has been a growth in off licensed premises during the past few years and this is now the single largest type of premises licence in Medway, most of which are small convenience
-

stores, corner shops and newsagents. Many of these sell cheap, high strength beer and cider, making alcohol readily available at little cost. Residents, responsible authorities and other agencies tell the Council the continual increase in off sales premises across Medway is a cause for concern, but in particular in and around those areas with the most alcohol related harms.

2.10 The Authority wishes to protect and grow our neighbourhood centres, as well as the wider environment, by working closely with responsible retailers in a way that ensures off licensed premises operate to address the needs and aspirations in their areas, but do not add to the existing issues and problems across Medway.

2.11 The Authority wants to work in partnership to achieve

- A safe environment for people to live in, work and enjoy
- Broaden the appeal of the evening and night time economy, while taking into account the needs of residents
- To create an environment which attracts the appropriate investment and allows businesses to thrive and grow
- To promote and support responsible alcohol retailing, while addressing the irresponsible sale of alcohol, particularly cheap high strength products
- To tackle alcohol related harm
- To promote health and well being, within the ambit of the four licensing objectives

## Applications

### 3

3.1 An application is required if an individual(s) or business wishes to carry out one or more of the following activities

- The sale or supply of alcohol
- Regulated entertainment\*
- The supply of hot food and drink between 2300 hours and 0500 hours

\* Some entertainment has been deregulated through the deregulation of Schedule 1, Licensing Act 2003 (Regulated Entertainment) in 2015. Further details of deregulation can be found at Appendix 2 – Deregulation Schedule 1 – Regulated Entertainment.

3.2 There are three stages to the licensing process for a licensing application. These are

- Completion by the applicant of the operating schedule
- Receipt and process of the application by the council
- Following receipt of relevant representations, a hearing would normally follow and the licensing sub-committee will make a decision on the application.

#### **POLICY 1**

**Applicants are required to produce an operating schedule to accompany their application. The Authority's policy is to expect applicants, when completing the operating schedule, to set out in some detail how they intend to promote the four licensing objectives. Applicants are expected to have regard, among other things, to this statement of licensing policy when completing their operating schedules.**

#### **Reason for the Policy**

3.3 Experience has shown that the quality of the majority of operating schedules submitted with applications is poor, often with little, or no, detail about the area in which the premises will operate, addressing few, if any, relevant problems or issues relating to licensable activities or how applicants intend to promote the four licensing objectives, other than in general and generic ways.

#### **Expectations of the Authority**

3.4 As outlined in the Guidance, the Authority recommends that applicants complete a risk assessment of their business in order to understand what steps are required to



complete the operating schedule in a manner which enables the council, responsible authorities and other persons to assess how they will seek to promote the licensing objectives in this area. Risk assessments will vary according to the nature of the business, and it is for applicants to decide what is appropriate in each case.

- 3.5 The risk assessment should contain many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The risk assessment approach will reduce the possibilities of representations. Information and data to inform a risk assessment can be obtained from many different sources. Suggestions of where information can be found are listed at Appendix 8. This list is not exhaustive and is advisory only.
- 3.6 The Licensing Authority recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face representations and the expense of a hearing as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule.
- 3.7 As recommended by the Guidance, applicants are advised to seek the views of responsible authorities before submitting an application, as they are best placed to have the detailed and expert knowledge about local issues that should be taken into consideration when making an application. The Authority also recommends applicants contact other persons, such as neighbours, local residents and businesses, as this can address concerns before an application is made. This will assist the applicant by giving an understanding of what the community believe is acceptable in their area. Contact details of responsible authorities can be found at Appendix 10.

### **What the Authority will do**

- 3.8 When there are no relevant representations the application must be processed and granted, in compliance with the second stage of the licensing process, in those terms as set out in the operating schedule, subject to the mandatory conditions as set out in the Act. A full list of mandatory conditions can be found at Appendix 5. Where there are no representations there is no discretion for the Authority to refuse the application or to alter or add to those conditions which are compliant with the operating schedule.
- 3.9 The Licensing Authority will only exercise its discretion in the third stage of the licensing process. When exercising its discretion the Authority will have regard to this Policy, amongst other things. Any applicant is therefore advised that when completing an operating schedule for any applications they read the Policy carefully.
- 3.10 Where there are relevant representations and the operating schedule departs from the Policy the licensing sub committee will normally expect there to be a good reason for the departure from the Policy, if it is being asked to make an exception, as it

represents the Authority's view of the most appropriate way of addressing the licensing objectives in Medway. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.

- 3.11 When its discretion is engaged the Authority will only amend, or add to, an operating schedule to the extent that is appropriate to promote the licensing objectives. Blanket or standard conditions will not be applied without regarding each application on its merits.
- 3.12 The Authority recognises that there are licensed premises which are unlikely to add significantly to problems and will consider each application on its merits.

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## *The Licensing Objectives*

## 4

### **General Aims and Objectives**

- 4.1 The legislation provides a clear focus on the promotion of the four licensing objectives, which must be addressed when licensing functions are undertaken. The licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 4.2 Each objective is of equal importance. The promotion of the four objectives is of paramount consideration at all times and this Policy is considered by the Authority to be the most appropriate way of promoting the four licensing objectives in Medway.
- 4.3 In addition the Policy also supports a number of other key aims and objectives of licensing legislation. These are
- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  - Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  - Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
  - Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
  - Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.
- 4.4 The policies contained within this document are intended to assist applicants when they are drawing up their operating schedule. They may not necessarily apply, or apply equally to all applications. The policies have been developed with reference to the Guidance and in consultation with responsible authorities. The criteria give an indication of the issues that responsible authorities are likely to consider when

deciding on whether to make representations or call for a review. They are also intended to draw attention to matters where the Authority may consider attaching conditions, if representations are made, and the Authority's discretion is engaged.

- 4.5 The proposed criteria and considerations for each licensing objective are considered appropriate by the Authority, depending on the type of operation, to promote the licensing objectives in Medway. Applicants are not limited to only these considerations and should propose any measures in accordance with the risk assessment. If an applicant does not address these concerns, and the Authority's discretion is engaged, consideration will be given to attaching appropriate conditions to promote the licensing objectives. Applicants should also take into account **Policies 8, 9, 10, 11, 12, 13, 14, 15 and 16**, which outline the Authority's views regarding different types of licensed premises and can be found in Chapter 5.
- 4.6 The Authority has produced a Good Practice Guide to assist applicants in completing their operating schedules. Responsible Authorities will also refer to this document when considering applications. This guidance forms part of the statement of licensing policy and is attached as Appendix 7 to this document. The Authority recommends applicants read the policy as it represents in detail the Authority's view of the most appropriate way of promoting the four licensing objectives in Medway. Appendix 7 – Good Practice Guidance will be considered when the Authority's discretion is engaged. Appendix 6 – Suggested Premises Licence Conditions may also be relevant.

### Prevention of crime and disorder

- 4.7 Kent Police has told the Authority the majority of crime and disorder problems in Medway occur close to licensed premises.
- 4.8 The link between the consumption of alcohol and crime is well documented. Violence, public order offences, anti social behaviour, criminal damage, sexual offences and domestic abuse are all examples of alcohol related crime which causes the Authority concern in Medway. It is recognised that Medway has the highest number of reported domestic abuse incidents in Kent and Medway.
- 4.9 Residents have made comment about alcohol related crime and disorder in our neighbourhoods and the Authority wishes to work in partnership with licensed premises to ensure this is prevented as far as is possible.

### **POLICY 2**

**To promote the prevention of crime and disorder the Authority, when its discretion is engaged, will apply the following criteria and considerations, where relevant, in determining applications and reviews.**

**Reason for the policy**

- 4.10 The Authority must ensure that the prevention of crime and disorder is promoted and will need to be satisfied that any measures proposed are appropriate to address this licensing objective.

**Expectations of the Authority**

- 4.11 Suggestions of the measures which the Authority expects applicants to consider, dependent on the nature and type of operation, are attached at Appendix 7 – Good Practice Guide. Appendix 6 – Suggested conditions is also relevant.
- 4.12 The Authority will expect applicants to set out in detail, using the risk assessment or operating schedule, how they will deal with the potential for crime and disorder arising from the licensable activities as suggested in **Policy 1**.
- 4.13 For pubs, bars and nightclubs the Authority expects a specific assessment of how the risks of violence and crime within the premises and in the vicinity of the premises will be managed and this objective promoted. This is particularly important for premises in residential areas where the likelihood of crime and disorder affecting residents is high.

**What the Authority will do**

- 4.14 The criteria used by the Authority in making a determination will be based on whether the premises makes, or will make, a significant contribution to levels of crime and/or disorder and whether this has been adequately addressed in the risk assessment used to inform the operating schedule. This will change depending on the location, style and type of premises and the licensable activities carried out at the premises. If the premises is in a residential area and/or in an area where there are high rates of alcohol related crime, these considerations will be of particular importance in order to balance the requirements of business against the issues of crime and disorder affecting our community.
- 4.15 The Authority will take into consideration, among other things, the following points. This is not an exhaustive list, and provides an illustration of the types of issues that the Authority expect to see addressed in an operating schedule, depending on the type of premises.
- Relevant staff training
  - Security in and around the premises
  - The levels of crime and disorder in and around the premises, including the control of conflict, violence and anti social behaviour
  - Drugs and weapons

- Theft from premises
- Disorder from customers
- The prevention of drunkenness, including the control of sales of alcohol to drunk persons
- Consumption of alcohol outside of the premises and street drinking
- Preventing the threat of terrorism

4.16 When its discretion is engaged the Authority may impose a range of conditions, in compliance with **Policy 19**, which may include those in Appendix 6 – Suggested Conditions.

### The prevention of public nuisance

- 4.17 Noise nuisance, particularly in residential areas, can disturb people in their homes, whether it is air borne or structural noise, or generated from within a building or from the open air. Noise can be generated by a variety of means, such as music or customers and staff gathering outside buildings to eat, drink and smoke. Some of our residents tell us they are often disturbed by those loitering in the streets in the vicinity of licensed premises. This can affect residents even at some distance from the premises themselves, especially late night premises such as hot food and takeaway businesses. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night noise is often unsettling; particularly shouting and screaming. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.
- 4.18 Public nuisance can also be generated by a variety of other means, such as litter, smells, smoke, street fouling, light pollution, waste disposal or deliveries, all of which may cause a disturbance to people in the vicinity. The Authority will pay particular regard to this type of nuisance, which affects people in their homes, going about their day to day business or in work, and consideration will be given to adding stricter conditions to premises licences in residential areas, or to those premises that have residential buildings close by.

### **POLICY 3**

**To promote the prevention of public nuisance the Authority, when its discretion is engaged, will apply the following criteria and considerations, where relevant, in determining applications and reviews.**

#### **Reason for the policy**

- 4.19 The Authority recognises that licensing is not the primary mechanism for controlling anti-social behaviour away from licensed premises and which is out of the direct control of premises licence holders or designated premises supervisors. However it



can play an important part of the control of such behaviour and the Authority will use licensing law as part of the overall approach to managing the evening and night-time economy in our centres, as well as other alcohol related nuisance, particularly nuisance caused by street drinking.

### **Expectations of the Authority**

- 4.20 Suggestions of the measures which the Authority expects applicants to consider, dependent on the nature and type of operation, are attached at Appendix 7 – Good Practice Guide. Appendix 6 – Suggested conditions is also relevant.
- 4.21 The Authority will expect applicants to set out in detail, using the risk assessment or operating schedule, as suggested in **Policy 1**, how they will deal with the potential for public nuisance arising from the licensable activities.
- 4.22 If the premises is in a residential area, or there is the potential for significant public nuisance to residents, this will be of particular importance in order to balance the requirements of business against the quality of life of our residents and the environment in our communities.

### **What the Authority will do**

- 4.23 The criteria used by the Authority when determining an application will be based on the location, style and type of the premises, the licensable activities and the steps proposed to mitigate the risk of nuisance occurring.
- 4.24 While public nuisance is narrowly defined in other pieces of legislation, public nuisance under the Act retains a broad common law definition. The prevention of public nuisance can therefore include low level nuisance perhaps only affecting a few, as well as a large scale nuisance causing disturbance to the whole community. It may include a reduction of the living and working environment of persons in the vicinity of the licensed premises.
- 4.25 The Authority will take into consideration, among other things,
- Noise and vibration breakout from the premises
  - Noise and nuisance from customers arriving and leaving the premises
  - Noise and nuisance from customers using external areas, such as beer gardens
  - Noise from staff, entertainers and contractors
  - Litter and waste in and around the premises
  - Disturbance from external lighting
  - Noise or odours from plant and machinery
- 4.26 When its discretion is engaged the Authority will pay particular regard to noise nuisance which causes disturbance to people in their homes or work, and consider

adding stricter conditions to premises licences in residential areas, or those that have residential buildings close by, in compliance with **Policy 19**, which may include those in Appendix 6 – Suggested Conditions.

## Public Safety

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### **POLICY 4**

**To promote public safety the Authority, when its discretion is engaged, will apply the following criteria and considerations, where relevant, in determining applications and reviews.**

#### **Reason for the policy**

- 4.27 The Authority must try to ensure the safety of people visiting and working in licensed premises and it will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities, adequate means of escape, and where appropriate, CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes. Crime, disorder and anti-social behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.

#### **Expectations of the Authority**

- 4.28 Suggestions of the measures which the Authority expects applicants to consider, dependent on the nature and type of operation, are attached at Appendix 7 – Good Practice Guide. Appendix 6 – Suggested conditions is also relevant.
- 4.29 The Authority will expect applicants to set out in detail, using the risk assessment or operating schedule, as suggested in **Policy 1**, how they will deal with issues of public safety arising from the licensable activities.

#### **What the Authority will do**

- 4.30 The criteria used by the Authority to promote public safety when determining an application when its discretion is engaged, will be based on whether appropriate and satisfactory risk assessments and management procedures have been made available to the relevant responsible authorities that demonstrate public safety has been addressed both within and in the vicinity of the premises.
- 4.31 When its discretion is engaged the Authority will take into consideration, among other things:-
- General safety of staff and customers
  - Control of overcrowding

- Accumulation and disposal of glasses/drinking vessels
  - Control of accidents or other emergency incident on the premises
  - Drug use and drink spiking
  - Safety of customers when they are leaving the premises
- 4.32 When its discretion is engaged the Authority may impose a range of conditions, in compliance with **Policy 19**, which may include those in Appendix 6 – Suggested Conditions.

### **The protection of children from harm**

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#### **POLICY 5**

**To protect children from harm, the Authority, when its discretion is engaged, will apply the following criteria and considerations in determining applications and reviews.**

#### **Reason for the policy**

- 4.33 The Authority acknowledges that protecting children from harm not only includes harms associated with alcohol consumption, but also wider harms, such as moral harms, for example exposure to strong, or inappropriate, language and displays of a sexual nature. Safeguarding issues and child sexual exploitation are also relevant areas for the Authority's concern.
- 4.34 The Authority wants to ensure that children in Medway are protected from alcohol related harm, and needs to satisfy itself the proposed measures are appropriate to promote this licensing objective.

#### **Expectations of the Authority**

- 4.35 Suggestions of the measures which the Authority expects applicants to consider, dependent on the nature and type of operation, are attached at Appendix 7 – Good Practice Guide. Appendix 6 – Suggested conditions is also relevant.
- 4.36 The Authority expects applicants to consider the measures necessary in the risk assessment and/or operating schedule, as suggested in **Policy 1**, to promote the protection of children from harm when on the premises and in the vicinity, where this is relevant.

#### **What the Authority will do**

- 4.37 The considerations used by the Authority to promote the protection of children from harm when determining an application, will be based on whether appropriate and

satisfactory risk assessments, management procedures and measures have been demonstrated, in the operating schedule.

- 4.38 When its discretion is engaged the Authority will take into consideration, among other things:-
- Children accessing licensed premises
  - Child safeguarding
  - Child sexual exploitation
  - Underage sales of alcohol
  - Access to age restricted films
  - Access to age restricted gaming machines
  - Access to entertainment of an adult nature
- 4.39 The Authority will not normally impose conditions requiring or prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder. The use of licenced premises by children can support the provision of premises attractive to all age groups. However, the Authority will, where appropriate, impose conditions designed to protect children in compliance with **Policy 19**, which may include those in Appendix 6 – Suggested Conditions.
- 4.40 The Authority will not place conditions requiring the admission of children to any licences or certificates.

### **Sale of alcohol to children**

#### **POLICY 6**

**This policy applies to premises licences and club premises certificates. The Authority considers the sale of alcohol to children as a serious matter. It is the policy of the Authority, when its discretion is engaged, and where it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence and the sale of alcohol to children has occurred, to consider the following measures, even in the first instance, to promote the licensing objective**

- **Revocation of the licence/ certificate**
- **Suspension of the licence/ certificate for any period of time up to three months**
- **The addition of conditions to the licence**
- **The removal of the sale of alcohol**
- **Restricting the hours for the sale of alcohol**

**In the case of two sales within three months, which is considered by the Authority to be particularly serious, revocation of the licence will be considered unless there are exceptional circumstances.**

### **Reason for the policy**

- 4.41 It is an offence to sell alcohol to children, who are defined as persons under the age of 18 years. In addition there is also an offence of persistently selling alcohol to children, where a sale is made to a child on two or more separate occasions within a period of three consecutive months.

### **Expectations of the Authority**

- 4.42 The consumption of alcohol by children can have serious long term health and social harms and the Authority expects premises licence holders, designated premises supervisors and all other responsible persons to take all appropriate measures to mitigate any risks posed to children by the potential for them to obtain alcohol.

### **What the Authority will do**

- 4.43 The Authority regards the sale of alcohol to children as being particularly serious, and if relevant representations are made, even in the case of a first incident, the Authority will consider all options available to it under the Act, including suspension or revocation of a premises licence, depending on circumstances.

### **Child Safeguarding and Child Sexual Exploitation (CSE)**

- 4.44 The Authority is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play
- 4.45 The licensing authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families. The density of licensed premises, particularly off licences in the most deprived area, where there are the highest rates of domestic abuse, is a cause for concern to the Authority.
- 4.46 The Authority expects that premises will operate in a responsible manner to ensure that children are not desensitised to the potential harm of alcohol. Desensitisation can occur by many ways. For example, through the manner in which the business operates, through the products that they offer for sale, the layout of their premises or through how promotional/advertising material is displayed. Matters that may be considered by the Authority if its discretion is engaged are

- 4.46.1 Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic products<sup>1</sup>, such as not displaying these next to soft drinks, sweets or toys
- 4.46.2 The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed
- 4.46.3 The use and display of promotional material for alcohol products
- 4.47 Alcohol can be a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.
- 4.48 The Medway Safeguarding Children Board (MSCB) is also aware children are attracted to takeaway and fast food restaurants and there is evidence this type of licensed premises has been used for the purpose of grooming and enticement in Medway.
- 4.49 The licensing authority encourages premises licence holders to make sure they are fully aware of the signs of child sexual exploitation and to understand that the sexual exploitation of a child is sexual abuse and a crime. The Authority also expects licence holders to raise the awareness of their staff about child sexual exploitation and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.
- 4.50 To support organisations that come into contact with the public, or which employ under 18s, the MSCB and Council expects staff to have access to safeguarding training and are briefed on local safeguarding initiatives. Full details of MSCB recommendations can be found at Appendix 12 – Child Safeguarding and Child Sexual Exploitation.

### **Films**

- 4.51 Where films are to be shown the Authority expects applicants to outline the measures they will take to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the council, in line with the Guidance. The Authority will impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives.

1. The Portman Group Code of Practice on the Naming, Packaging and Merchandising of Alcoholic Drinks and their Retail Alert Bulletins on unsuitable packaging and marketing – see Appendix 8 for Portman Group link.



## *Impact of licensable activities by premises type 5*

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- 5.1 The matters outlined below are considered appropriate by the Authority, depending on the type of operation, to promote the licensing objectives, taking into account the evidence of alcohol related crime, disorder and public nuisance in Medway. Applicants are not limited to addressing these issues and should propose any measures in accordance with the risk assessment recommended as part of the application process at **Policy 1**, and the Guidance. Applicants should also take account of the Authority's policies regarding the promotion of the licensing objectives outlined in **Policies 2, 3, 4, 5, and 6**, contained in Chapter 4.
- 5.2 During the process for considering evidence for cumulative impact, addressed in Chapter 6 and Appendix 4, ward members, responsible authorities and members of the public identified there are issues with alcohol related harms in Medway. The Authority acknowledges that while control measures, such as a Cumulative Impact Policy ('CIP') and Stress Area Policy ('SAP'), are defined by a boundary, alcohol related harms do not conform to, and are not contained within, boundaries and the Authority believes it is appropriate and necessary to address issues outside of the cumulative and stress areas across Medway.
- 5.3 The Authority recognises that there are licensed premises which are unlikely to add significantly to alcohol related harms and will consider each application on its merits.
- 5.4 This policy does not relieve responsible authorities or any other person of the need to make a relevant representation. Where no relevant representations are received, there is a presumption that an application will be granted in terms that are consistent with the submitted operating schedule. This presumption remains.

### **Overview and aims**

- 5.5 The Authority recognises that the quality of the local environment has an important influence on an area and the perception of its safety by local residents. Our residents across Medway have told us they are concerned about safety and the way crime and anti social behaviour are dealt with. The Authority encourages any application which seeks to improve and enhance our neighbourhoods, but which will not add to any harms experienced by residents related to licensed premises.
- 5.6 Licensed premises, and the activities that take place in those premises, exist in a dynamic environment and the Authority, when its discretion is engaged, will not consider applications entirely in isolation. The Authority will take into consideration the impact that licensable activities have on a range of factors, which are outlined in the Policy, in order to promote the licensing objectives. This approach is supported in R (on application of Hope and Glory Public House Ltd) v City of Westminster

Magistrates' Court and Others (2011) EWCA Civ 312, where Lord Justice Toulson stated

*'Licensing decisions often involve weighing a variety of competing considerations: the demand for licensed establishments, the economic benefit to the proprietor and to the locality by drawing in visitors and stimulating the demand, the effect on law and order, the impact on the lives of those who live and work in the vicinity, and so on. Sometimes a licensing decision may involve narrower questions, such as whether noise, noxious smells or litter coming from premises amount to a public nuisance. Although such questions are in a sense questions of fact, they are not questions of the 'heads or tails' variety. They involve an evaluation of what is to be regarded as reasonably acceptable in the particular location. In any case, deciding what (if any) conditions should be attached to a licence as necessary and proportionate to the promotion of the statutory licensing objectives is essentially a matter of judgment rather than a matter of pure fact.'* [para 42]

- 5.7 While Medway as a whole is not deprived, it has pockets of very deprived areas, which also have clusters of licensed premises, particularly off licences, and high levels of alcohol related health and social harms. The evidence detailing the range of alcohol related harms across Medway is shown elsewhere in this policy, and those areas of greatest concern are addressed in the CIP and SAP policies at Appendix 4. However, the Authority is aware harms do not follow boundaries and wants to address concerns in Medway as a whole, including areas not covered by the special policies. Proposed areas of regeneration and development, such as Rochester Riverside and Strood and Temple Waterfront, which are very close to CIP and SAP areas, have the potential to suffer from displacement and disbursement issues, which the Authority expect to be addressed in any applications.
- 5.8 Medway has experienced an increase in the number of licensed premises since the implementation of the Licensing Act 2003, and now has over 880 licensed premises. Medway has an average of 3.7 licensed premises per square kilometre, against the England average of 1.3. (June 2017), with some areas, such as Chatham High Street and Gillingham High Street, having in excess of one hundred in a one kilometre radius.
- 5.9 Alcohol related health harms, such as alcohol related hospital admissions and ambulance callouts where alcohol is deemed to be a contributory factor, are showing an upward trend. Alcohol related crime, such as domestic abuse, and anti social behaviour is also a concern. Medway has the highest number of reported domestic abuse incidents in Kent and Medway and there is extensive evidence linking alcohol consumption, particularly at harmful or hazardous levels, with domestic abuse. There is also evidence which links the density of alcohol outlets, particularly off licensed premises, with the rate of domestic abuse in an area.

- 5.10 Addressing alcohol harms is included in several Medway policies and strategies, such as the Community Safety Plan and the Joint Health and Wellbeing Strategy. The Authority sees this Policy as supporting the overall strategy aims of Medway Council and intends to work with the licensed trade to raise standards, ensuring all appropriate procedures are in place, promoting the licensing objectives and addressing the above concerns as far as possible within the ambit of the licensing process.
- 5.11 The aim of this Policy is to support and encourage licensed premises which are considered by the Council as consistent with supporting the wider strategies, plans and policies in place to improve Medway and to encourage a diversity of licensed premises which complement, enhance and support the communities in which they are situated.
- 5.12 The Authority wants to encourage, depending on the specific area:
- Premises which extend the diversity of entertainment and attract a wider range of participants.
  - Premises where the sale of alcohol is ancillary to other activities at the premises.
  - Family friendly venues, where adults and children can go. These may be specific places where children attend, but can also be premises appealing to adults, but which also have a provision for children.
  - Exhibition and art venues.
  - Theatres and cinemas.
  - Restaurants and cafes where the sale of alcohol is ancillary to the sale of food.
  - Community venues.
  - Good quality hotels and other premises which support the tourism industry and complement Medway's heritage.
  - Local shops which support the community in which they are situated, but do not add to alcohol related harms.
- 5.13 The Authority strongly recommends applicants read and take into account **Polices 2, 3, 4, 5, and 6** referring to the promotion of the licensing objectives when completing their application, **Policy 7** concerning hours, and the premises specific polices outlined below.
- 5.14 If the Authority's discretion is engaged it will be for members to decide if a specific premises falls within the relevant policy on the evidence provided.

## Hours

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### Policy 7

**This policy applies to applications, variations and reviews for premises licences and club premises certificates.**

**It is the policy of the Authority that hours within the criteria for individual types of licensed premises set out below will, in general, be granted, when the discretion of the Authority is engaged on receipt of relevant representations, subject to not being contrary to other policies set out in the Statement of Licensing Policy.**

**Applications for hours outside of these criteria for individual types of licensed premises will be considered on their merits, subject to the other relevant policies and with particular regard to the following:**

- **The proximity of residential premises and the likelihood of residents being adversely affected by the premises operating at the hours proposed.**
- **The proposed hours of the licensable activities and when customers will be on the premises.**
- **The hours when customers will be outside the premises or be within open areas which form part of the premises, whether drinking, eating or smoking.**
- **The existing hours of licensable activities and the past operation of the premises (if any) and the existing hours of licensed premises in the vicinity.**
- **The capacity of the premises.**
  - **The type of use. The Authority believes pubs, bars, nightclubs and fast food outlets, are more likely to be associated with crime, disorder and public nuisance than other types of licensed premises. Off licensed premises can also be a focus, depending on location and type of operation.**
- **Any proposed measures for a 'cool down' period.**
- **The Authority expects non-standard hours to be justified to allow responsible authorities and other persons to assess the impact that these licensable activities may have, and to plan accordingly. Later hours for Bank Holiday Mondays will take into account the later hours that are generally granted for preceding Sundays and that the next day is a working day.**

**Reason for the policy**

- 5.15 The Guidance acknowledges that the Authority is in the best place to make decisions regarding licensing opening hours based on their local knowledge in consultation with responsible authorities and local communities.

**Expectations of the Authority**

- 5.16 Where there are relevant representations and the operating schedule departs from the Policy the licensing sub committee will normally expect there to be a good reason, if it is being asked to make an exception. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.
- 5.17 The Authority expects the circumstances in which non standard hours apply are clearly identifiable. This is to allow for a proper consideration by those who will be affected, and provide predictability of the proposed non standard events.

**What the Authority will do**

- 5.18 This is not a policy to refuse applications for hours which are longer than those given as guidance, and the Authority will consider every application on its merits.
- 5.19 The consideration of the hours of operation will be made in the context of each application and the licensing objectives. Proximity to residential areas and the possible disturbance of residents' rest, relaxation and sleep will be of particular concern. The effect of noise is greater later at night when ambient noise levels are lower and people are at home relaxing or sleeping. In considering hours of operation and conditions the Authority will focus on those periods when disturbance is most likely to occur. In general the Authority will consider restricting closing hours on nights when residents have to get up for work the next morning in those areas where this is relevant.
- 5.20 The Authority wishes to support and encourage a less alcohol led evening and late night economy and will allow for a greater flexibility to those premises that propose a more diverse range and variety of entertainment at this time. The Authority believes this will promote the prevention of crime and disorder and public nuisance objectives.

## Public Houses and Bars

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### **POLICY 8**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for public houses and bars by reference to Polices 2, 3, 4 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**In addition the Authority will determine applications for those premises in a Cumulative Impact or Stress Area, when its discretion is engaged, by further reference to Policies 17 or 18, whichever is relevant.**

**This policy applies to premises being used exclusively or primarily for the supply of alcohol for consumption on the premises.**

#### **Reasons for the Policy**

- 5.21 Medway has a wide variety of pubs and bars which provide facilities for both residents and visitors. They provide both economic and cultural benefits to our community. The traditional, small community pub has seen a decline in recent years, mainly leaving larger town centre premises, which benefit from a licence allowing later operating hours, or destination type premises outside of the centres. Several of our town centres are in the process of undergoing extensive regeneration, which will continue along Chatham and Rochester river side into Strood, increasing the number of residents in these areas.
- 5.22 The Authority wants to encourage, depending on the specific area, premises which may fall within this category and are:
- Premises which extend the diversity of entertainment and attract a wider range of participants.
  - Family friendly venues, where adults and children can go. These may be specific places where children attend, but can also be premises appealing to adults, but which also have a provision for children.

The Authority will broadly support applications which fall into the above two categories, provided the applications demonstrate compliance with **Polices 2, 3, 4 5 and 6 and 7**.

- 5.23 Premises which primarily sell alcohol, with or without the ancillary provision of music and/or food, can give rise to issues of public nuisance, particularly in residential areas, often due to noise from the premises and from customers, either gathering outside the building to drink, eat and smoke, or when leaving late at night. Pubs and bars can also be focal points for crime and disorder.

### Expectations of the Authority

5.24 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).

5.25 If the application is for the hours of licensable activity and operation generally beyond

- 0900 - 2300 hours Sunday to Thursday
- 0900 - midnight on Friday and Saturday

the Authority will expect the risk assessment and/or operating schedule to proposed specific measures to promote the four licensing objectives and reference **Policy 7**. If they are not, it is likely extended hours will be refused.

5.26 While the contents of the operating schedule is a matter for the applicant, if their discretion is engaged, the licensing committee will expect an explanation if these issues are not adequately addressed.

5.27 The sale of alcohol for consumption off the premises and activity, such as drinking and smoking outside the premises, will also be of concern.

### What the Authority will do

5.28 The Authority will want to be assured that the operating schedule of premises, and the overall management, training and staffing levels are appropriate to ensure that the licensing objectives are promoted. The Authority will take into account **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination and set any appropriate conditions in compliance with **Policy 19** in Chapter 7.

5.29 Where there are relevant representations and the operating schedule departs from the Policy the licensing sub committee will normally expect there to be a good reason for the departure from the Policy, if it is being asked to make an exception. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.

5.30 Where representations are made in relation to an application for the grant, variation or review of this type of premises, and its discretion is engaged, the Authority will give specific consideration to restricting the hours for the sale of alcohol and hours of operation taking notice of **Policy 7**.



## Alcohol led music and dance venues, such as nightclubs.

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### **POLICY 9**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for premises by reference to Policies 2, 3, 4 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**In addition the Authority will determine applications for those premises in a Cumulative Impact or Stress Area, when its discretion is engaged, by further reference to Policies 17 or 18, whichever is relevant.**

**This policy applies to premises being used for the provision of music or dancing or similar entertainment coupled with the sale of alcohol.**

#### **Reason for the policy**

- 5.31 Nightclubs are an important part of Medway's cultural offer, and are a central part of the social life of many young people. However the large number of people attending these venues and congregating outside and nearby can lead to concerns of public nuisance, crime and disorder, particularly where people gather outside to drink and smoke. Customers leaving the premises, walking by nearby residential premises and causing a nuisance, is also a concern. The playing of music and the noise from the premises can also cause nuisance. Our residents have told the Authority of their concerns about these issues, particularly in Rochester and Gillingham.

#### **Expectations of the Authority**

- 5.32 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and **Policy 7**.
- 5.33 If the application for the hours of licensable activity and operation are generally beyond
- 0900 - 2300 hours Sunday to Thursday
  - 0900 - 0200 on Friday and Saturday

the Authority will expect the operating schedule to proposed specific measures to address the concerns expressed in the policies above, and if they are not it is likely extended hours will be refused or imposed.

### What the Authority will do

- 5.34 The Authority will want to be assured that the operating schedule of premises, and the overall management, training and staffing levels are appropriate to ensure that the licensing objectives are promoted. The Authority will take into account **Polices 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination and set any appropriate conditions in compliance with **Policy 19** in Chapter 7.
- 5.35 Where there are relevant representations and the operating schedule departs from the Policy the licensing sub committee will normally expect there to be a good reason for the departure from the Policy, if it is being asked to make an exception. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.
- 5.36 Where representations are made in relation to an application for the grant, variation or review of this type of premises within Medway on the grounds of one or more of the four licensing objectives, and its discretion is engaged, the Authority will give specific consideration to restricting the hours for the sale of alcohol, the hours for regulated entertainment and hours of operation as outlined in **Policy 7**.
- 5.37 The sale of alcohol for consumption off the premises and drinking outside the premises, which may give rise to disturbance and nuisance, will also be of concern.

#### Off licensed premises

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### **POLICY 10**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for off licences by reference to to Polices 2, 3, 4, 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**In addition the Authority will determine applications for those premises in a Cumulative Impact or Stress Area, when its discretion is engaged, by further reference to Policies 17 or 18, whichever is relevant.**

**This policy applies to premises being used exclusively or primarily for the supply of alcohol for consumption off the premises.**

#### **Reason for the Policy**

- 5.38 The Authority acknowledges the requirement for good quality local shops supporting our communities and neighbourhood centres, creating jobs and contributing to the

local economy. There is evidence that many convenience stores, corner shops and newsagents have an over reliance on the sale of alcohol, particularly cheap beer, lager and cider known as 'super strength' products over 5.5% ABV. Over recent years the Authority has become increasingly aware of the problems experienced in our local communities arising from the availability of alcohol for sale at local shops for consumption off the premises. The public face of these problems show themselves in congregations of street drinkers, consuming alcohol in public places causing nuisance, anti social and intimidating behaviour at all times of the day and night. The hidden harms of the ready availability of cheap alcohol manifests itself in unacceptable rates of domestic abuse and alcohol health harms, such as alcohol related hospital admissions and ambulance callouts where alcohol has been deemed to be a contributory factor, particularly in the more deprived areas, and where there are concentrations of these type of premises.

- 5.39 There is a trend towards more alcohol being purchased from off licences, such as shops and supermarkets, for consumption at home, than in on licensed premises, such as pubs and clubs. Nationally, in 2015, more beer was sold through off licences than in pubs and bars.
- 5.40 The single largest type of premises in Medway is off licensed premises, which has also seen the most increase over the last 5 years. Between March 2012 and March 2016 Medway saw an increase in off licensed premises of 14.7%, compared to on licensed premises of 11.2%. Most of these off licensed premises are small convenience/newsagents/corner shops, many of which sell cheap, strong alcohol, commonly termed 'super strength' beer, cider and lager, and are clustered in and around our most deprived areas.
- 5.41 Shops selling alcohol can be a focus of antisocial behaviour, disorder and disturbance, both in our town centres and residential neighbourhoods. They can cause problems including consumption of alcohol all day in public by groups of street drinkers who engage in anti social behaviour, to the detriment of our residents and visitors. The proliferation of premises for the sale of alcohol off the premises is of concern if it leads to consumption of alcohol on the streets.
- 5.42 The council has introduced Drinking Control Zones (to be superseded by Public Spaces Protection Orders) in several parts of Medway; Rochester, Chatham, Gillingham and Strood, giving the police powers to stop street drinking and seize alcohol and receptacles due to evidenced alcohol related anti social behaviour associated with street drinking.
- 5.43 The Authority wants to encourage, depending on the specific area:
- Local shops which support the community in which they are situated, but do not add to alcohol related harms.

The Authority will broadly support applications which demonstrate compliance with **Polices 2, 3, 4 5 and 6** and **Policy 7**.

### **Expectation of the Authority**

5.44 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Polices 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).

5.45 The Authority believes the sale of alcohol from off licences should generally be

- 0900 hours to 2300 hours

This is to specifically address the problem of anti social behaviour, begging and intimidation and the impact this can have on the community. The Guidance states that licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on local knowledge and in consultation with responsible authorities, and the Authority is aware that vulnerable dependent and street drinkers are attracted to off licences that open early in the morning, resulting in street drinking and anti social behaviour. In addition off licences open late at night attract drinkers going into pubs and clubs looking to pre load on cheap alcohol, which can lead to public nuisance, litter and disorder.

5.46 The Authority expects applicants to consider what measures are necessary to protect children from harm while on the premises, and, where appropriate, in the vicinity, for example if the premises is situated near to a school, and address the issues outlined in **Polices 5 and 6**.

### **What the Authority will do**

5.47 The Authority will want to be assured that the operating schedule of premises, and the overall management, training and staffing levels are appropriate to ensure that the licensing objectives are promoted. The Authority will take into account **Polices 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination and set any appropriate conditions in compliance with **Policy 19** in Chapter 7. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives

5.48 The Authority will take into account the location, style of premises and measures offered in the operating schedule to decide on the appropriate hours for an application, which will not necessarily be the same as the opening hours. If the application is for the hours of licensable activity and operation is generally beyond that outlined above the Authority will expect the operating schedule to proposed

specific measures to address the concerns expressed in **Policy 7**. If they are not it is likely the extended hours will be refused.

- 5.49 Where representations are made against the grant of a licence for off sales within Medway on the grounds of crime and disorder, public nuisance or the protection of children from harm, the Authority will give specific consideration to restricting the closing hours of premises selling alcohol exclusively for consumption off the premises, because of concerns over problems of street drinking or late night disorder associated with the off sale of alcohol in the area. The earliest hours of opening will be of concern. This is because we know problematic street drinkers, and other people who are seriously addicted to alcohol, are drawn to shops that sell alcohol earlier in the morning than other premises and can create public nuisance.
- 5.50 When representations are made by responsible authorities or other persons, the Authority may impose conditions that there should be no sale of alcoholic beverages over 5.5% alcohol by volume or of specified quantities (e.g. of beers, lagers, ciders and spirit mixers) as there is evidence which shows street drinkers and other dependent drinkers in Medway often buy this type of product due to its price and availability, and this can lead to public nuisance. If an applicant is asking the Authority to make an exception there is an expectation that additional steps will need to be taken to promote the licensing objectives. Other conditions may be imposed directly aimed at reducing street drinking and associated problems.

### Restaurants

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#### **POLICY 11**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for restaurants, by reference to Policies 2, 3, 4, 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**In addition the Authority will determine applications for those premises in a Cumulative Impact or Stress Area, when its discretion is engaged, by further reference to Policies 17 or 18, whichever is relevant.**

**This policy applies to restaurants, which are premises where dining, with waiter service, is the main activity and the consumption of alcohol is ancillary to this. This distinguishes between restaurants where dining is the main evening activity and fast food premises which at certain hours are likely to attract and provide food for people at the end of an evenings' drinking.**

### Reason for the policy

- 5.51 A wide variety of good quality restaurants attract people over a wide range of ages, may appeal to families and older customers, and have little association with crime and disorder. The Authority wish to encourage and support these types of businesses in order to increase the diversity of licensed premises in Medway. This will provide residents with a greater choice of venues and support Medway's cultural and heritage offer, raising Medway's image as a tourist destination.
- 5.52 The Authority wants to encourage, depending on the specific area, premises which may have a restaurant facility and fall within this category such as:
- Family friendly venues, where adults and children can go. These may be specific places where children attend, but can also be premises appealing to adults, but which also have a provision for children.
  - Restaurants and cafes where the sale of alcohol is ancillary to the sale of food.
  - Good quality hotels and other premises which support the tourism industry and complement Medway's heritage.

The Authority will broadly support applications which fall into the above categories, provided the applications demonstrate compliance with **Policies 2, 3, 4 5 and 6**.

### Expectation of the Authority

- 5.53 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).
- 5.54 If the application is for the hours of licensable activity and operation is beyond
- 0900 - 2300 hours Sunday to Thursday
  - 0900 - midnight on Friday and Saturday

the Authority will expect the risk assessment and/or operating schedule to proposed specific measures to promote the four licensing objectives and reference **Policy 7**. If they are not, it is likely extended hours will be refused or imposed. These types of premises can have an impact in residential areas as customers can stay on the premises after licensable activities cease. Customers finishing their meals and leaving the premises, clearing the premises and the handling and removal of waste can all give rise to public nuisance and impact on residents.

### What the Authority will do

- 5.55 If its discretion is engaged the Authority will take into account **Polices 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination and set any appropriate conditions in compliance with **Policy 19** in Chapter 7. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.
- 5.56 If relevant representations are made and the application is for the hours of licensable activity and operation is generally beyond that outlined above the Authority will expect the operating schedule to proposed specific measures to address the concerns expressed in **Policy 7**. If they are not it is likely the extended hours will be refused.
- 5.57 When considering applications for restaurants and representations are made, the council will take into account the increased likelihood of disturbance from activities late at night and will give specific consideration to restricting the hours if it is appropriate to promote the licensing objectives.

### Fast Food and Takeaway premises – Late Night Refreshment

#### **POLICY 12**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for late night refreshment, by reference to to Polices 2, 3, 4, 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**It applies to fast food and takeaway premises which are premises that provide late night refreshment either by way of take away for immediate consumption, or fast food on a counter or self seated basis.**

#### **Policy 13**

**The Authority has determined not to adopt the prescribed list of exemptions set out in the Licensing Act 2003 (Late Night Refreshment) Regulations 2015.**

#### **Reason for the policy**

- 5.58 While the Authority recognises late night refreshment premises can play an important role by providing food and drink for visitors and workers, public nuisance and crime can arise from these premises affecting residents and businesses.



- 5.59 Fast food and takeaway premises which are open after 2300 hours can attract groups of customers, many of whom have consumed alcohol in pubs, bars and nightclubs. This can lead to crime generally, and noise and disturbance particularly when these premises are located in residential areas. Additionally consumption of food and drink outside of these premises results in food waste and litter, which, on occasions, amounts to a public nuisance and causes a strain on public waste management services.
- 5.60 These issues are of particular concern in the Cumulative Impact and Stress Area policy areas (Appendix 4), although the issues are still relevant in the rest of Medway. While fast food premises have not been included in either policy, the Authority still has a concern that premises open late at night create opportunities for crime, disorder and nuisance as a result of congregations of people who have been drinking.

#### **Expectations of the Authority**

- 5.61 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).
- 5.62 Generally late night fast food premises will be expected to be closed at
- Midnight Sunday to Thursday
  - 0200 hours Friday and Saturday

the Authority will expect the risk assessment and/or operating schedule to proposed specific measures to promote the four licensing objectives and reference **Policy 7**. If they are not, it is likely extended hours will be refused or imposed.

#### **What the Authority will do**

- 5.63 If its discretion is engaged the Authority will take into account **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination and set any appropriate conditions in compliance with **Policy 19** in Chapter 7. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.
- 5.64 When considering applications and reviews for these types of premises the Authority, will take into account the likelihood of crime and public nuisance from activities late at night, particularly if the premise is in a residential area, on a route away from late night licensed premises, or close to late night licensed premises.

- 5.65 If the application is for the hours of licensable activity and operation is generally beyond that outlined above, and its discretion is engaged, the Authority will expect the operating schedule to propose specific measures to address **Policy 7**. If they are not it is likely the extended hours will be refused. The Authority will consider restricting the hours of operation of late night fast food and takeaway premises to ensure premises are closed before pubs and nightclubs in the area so they do not become a focus for disturbance or nuisance.

### **Premises used for ancillary alcohol sales and qualifying clubs**

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#### **POLICY 14**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for premises used for ancillary alcohol sales, by having regard to Policies 2, 3, 4 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**When relevant the Authority will determine applications for those premises in a Cumulative Impact or Stress Area, when its discretion is engaged, by further reference to Policies 17 or 18.**

**This applies to venues where alcohol is ancillary to the main purpose of the premises, where alcohol sales make up a small percentage of the business and to qualifying clubs. This type of premises may include**

- **Qualifying clubs requiring a Club Premises Certificate**
- **Cinemas**
- **Theatres**
- **Bowling alleys**
- **Hotels and B&B premises where alcohol is provided for consumption on the premises for the benefit of residents**
- **Art galleries/exhibition venues**
- **Hairdressers/florists**

**'Ancillary alcohol sales' will NOT apply to**

- **Sexual entertainment venues**
- **Hotel bars with public access (not just available to customers staying in overnight accommodation)**

#### **Reason for the Policy**

- 5.66 The Authority wishes to encourage and support these types of premises in order to increase the diversity of licensed premises in Medway. This will provide residents

with a greater choice of venues and support Medway's cultural and heritage offer, raising Medway's image as a tourist destination.

### **Expectations of the Authority**

- 5.67 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Polices 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).
- 5.68 There are no suggested hours as the Authority accepts that generally these types of premises have minimal impact on crime, disorder and nuisance, and have less impact on our residents than other licensed premises. The hours of operation would normally be those of the primary use, and the Authority would not expect the sale of alcohol to be extended beyond this.
- 5.69 Bars are often a normal feature of these premises however and the Authority expects the sale of alcohol to be ancillary to the primary use.

### **What the Authority will do**

- 5.70 The Authority wants to promote a variety of non alcohol led activities in licensed premises in Medway and generally supports these types of businesses.
- 5.71 The Authority will take into account **Polices 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination and set any appropriate conditions in compliance with **Policy 19** in Chapter 7. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives
- 5.72 Where these types of premises give rise to public nuisance and impact on residents the Authority, when it's discretion is engaged, will take into account the increased likelihood of disturbance from activities late at night and will give specific consideration to restricting the hours if it is appropriate to promote the licensing objectives.

### **Outside event or performance venues.**

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### **POLICY 15**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for outdoor event or performance venues by reference to Polices 2, 3, 4 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**The Authority will determine applications for those premises in a Cumulative Impact or Stress Area, when its discretion is engaged, by reference to Policies 17 or 18, whichever is relevant.**

**This policy applies to premises being used for the provision of music or dancing or similar entertainment coupled with the sale of alcohol.**

### **Reason for this policy**

- 5.73 The Authority welcomes the contribution that outdoor and performance venues bring to the cultural life of Medway, and wish to support these types of applications where they do not have a disproportionate impact on residents. The Authority accepts these events generally do not have an impact on crime and disorder and will broadly support applications, provided they demonstrate compliance with **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).
- 5.74 Outdoor sites are classed as 'premises' under the Act, when licensable activities take place, and there are several outdoor venues which are used for significant musical and other events. Many of these events are subject of the Safety Advisory Group (SAG) process, and the Authority expects an event organiser to draw up an event plan as part of the SAG process, which would then inform any proposed operating schedule.

### **Expectations of the Authority**

- 5.75 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).
- 5.76 If the application for the hours of licensable activity and operation are generally beyond
- 0900 - 2300 hours Sunday to Thursday
  - 0900 - midnight on Friday and Saturday

the Authority will expect the risk assessment and/or operating schedule to proposed specific measures to promote the four licensing objectives and reference **Policy 7**. If they are not, it is likely extended hours will be refused or imposed.

### **What the Authority will do**

- 5.77 The Authority will take into account **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination

and set any appropriate conditions in compliance with **Policy 19** in Chapter 7. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.

- 5.78 Several of these events attract large crowds, and, as they are outside, noise is not enclosed and can cause a disturbance to residents. The Authority, when its discretion is engaged, will take into account the following considerations above those outlined above for music led premises
- the extent and frequency of any application for this type of event,
  - its location, particularly if it is in, or close to, a residential area
- 5.79 If the application is for the hours of licensable activity and operation is generally beyond that outlined above, and its discretion is engaged, the Authority will expect the operating schedule to propose specific measures to address **Policy 7**. If they are not it is likely the extended hours will be refused.
- 5.80 When subsequent applications are made for the same venue to be licensed for additional activities or events the Authority will take into account the cumulative impact over time of multiple events which have already taken place, or planned, in the open space.

#### Hotels where the sale of alcohol is to non residents

#### **POLICY 16**

**It is the policy of the Authority when its discretion is engaged, to determine applications and reviews for premises used as hotels, where alcohol and regulated entertainment is provided for the benefit of non residents having regard to Policies 2, 3, 4 5 and 6 (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) and Policy 7.**

**The Authority will determine applications for those premises in a Cumulative Impact or Stress Area, when its discretion is engaged, by reference to Policies 17 or 18, whichever is relevant.**

**Subject to the promotion of the licensing objectives outlined elsewhere in this policy, the Authority will generally determine applications for premises licences for hotels situated outside of the CIP and SAP areas (where relevant), so that**

- **Alcohol is permitted to be sold at any time to people staying in the hotel rooms for consumption on the premises**

- **The hours of serving alcohol to the general public may be subject to limitations, dependent on any representations made**
- **The hours for regulated entertainment for events may be subject to limitations, dependent on any representations made**

### **Reason for the policy**

5.81 The Authority wishes to encourage good quality hotels which will enhance and compliment our heritage and cultural offer in order to encourage tourist and business travelers.

### **Expectation of the Authority**

5.82 The Authority expects a detailed risk assessment and/or operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide).

5.83 Hotels usually ask for later hours to hold events for non-residents. Generally the hours of licensable activity and operation will be expected to be:

- 0900 - 2300 hours Sunday to Thursday
- 0900 - 0200 on Friday and Saturday

the Authority will expect the risk assessment and/or operating schedule to proposed specific measures to promote the four licensing objectives and reference **Policy 7**. If they are not, it is likely extended hours will be refused or imposed.

5.84 The sale of alcohol for consumption off the premises and activity outside the premises will also be of concern.

### **What the Authority will do**

5.85 The Authority will take into account **Policies 2, 3, 4 5 and 6** (including Appendices 6 and 7 - Suggested Conditions and Good Practice Guide) when making a determination and set any appropriate conditions in compliance with **Policy 19** in Chapter 7. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.

5.86 If the application is for the hours of licensable activity and operation is generally beyond that outlined above, and its discretion is engaged, the Authority will expect the operating schedule to propose specific measures to address **Policy 7**. If they are not it is likely the extended hours will be refused.

## *Cumulative Impact and Stress Area Policies* **6**

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- 6.1 The cumulative impact of licences in a particular area may lead to the area becoming saturated with premises of a certain type, making it a focal point for large groups of people, and thereby creating exceptional problems of crime, disorder and nuisance over and above the impact from the individual premises themselves.
- 6.2 The Council may adopt a special policy regarding cumulative impact where it considers that a significant concentration of licensed premises will or is having an impact on the licensing objectives and granting of further licences in that area would add to this impact. When adopting such a special policy reference shall be made to the steps outlined in the section 182 Statutory Guidance.
- 6.3 The effect of a special policy is to create a rebuttable presumption that applications for new licences or material variations to existing licences will normally be refused unless it can be shown that the premises concerned will not add to the cumulative impact on the licensing objectives being experienced.
- 6.4 The Authority recognises that any special policy regarding cumulative impact is not absolute and where licences will not add to the cumulative impact, or where no relevant representations have been received, the licence will be granted in accordance with the normal procedure.
- 6.5 A special policy regarding cumulative impact will not be used to attempt to revoke an existing licence or certificate. When representations are made about the way a premises is being operated then they would be considered and determined in respect of the four licensing objectives. However, the special policy may be a justification to refuse an application to vary a licence or certificate.
- 6.6 The Authority recognises the difference between cumulative impact and the commercial needs of premises in an area. Need and market forces are not matters for the Council to consider as part of its licensing function.
- 6.7 The Council and the Police have adopted a number of special measures to address issues of crime and disorder and anti-social behaviour. These measures have been taken into account when determining the CIP and SAP areas. Measures have included
- additional Police staffing, particularly at weekends;
  - the use of CCTV along with camera operatives;
  - the adoption of Alcohol Control Zones, to be superseded by Public Place Protection Orders.



- Businesses are encouraged to belong to the Medway Safer Business Partnership, which includes a radio system.
- There are also enforcement powers available to the Police, Licensing Officers and Trading Standards Officers under the Licensing Act 2003.

6.8 If evidence exists, new Cumulative Impact Policy areas of Medway may be considered.

### **Cumulative Impact Policy (CIP)**

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#### **POLICY 17**

**This policy applies to application for new premises licence, substantial variations and provisional statements.**

**It is the Authority's policy to refuse applications for the sale of alcohol for premises licences which fall within the Cumulative Impact Policy areas, dependent on the specific policies in these areas (See Appendix 4).**

#### **Reason for the policy**

- 6.9 Having regard to the Guidance, Medway Council, as the Authority, has consulted on the issue of cumulative impact, and, taking into account the evidence presented to it and the views of the respondents to the consultation, has adopted a Cumulative Impact Policy (CIP) in a number of areas in Medway.
- 6.10 These areas have been identified as areas of concern because of the cumulative effect of the concentration of licensed premises and their customers, which has led to serious problems of crime, disorder and public nuisance affecting residents, visitors and other businesses. In addition, public services, including police, health and emergency authorities and environmental services (cleansing and refuse services) are also being placed under strain.
- 6.11 Appendix 4 details the CIP. The evidence presented to the Licensing Authority is distinct for each CIP area and therefore each area is addressed on an individual basis.

#### **Expectations of the Authority**

- 6.12 An application which falls within the CIP will be expected to explain how it will promote the four licensing objectives so the premises will not adversely affect the evidenced alcohol related problems and issues in the CIP area.
- 6.13 While it is a matter for the applicant what details are included in the operating schedule, where it departs from the Policy the licensing sub committee will expect

there to be a good reason for the departure if it is being asked to make an exception to this policy.

**What the Authority will do**

- 6.14 Where the Licensing Authority's discretion has been engaged it will always consider every application on its merits, whether it has complied with this policy or not, and only amend or add to an operating schedule to the extent that is appropriate to promote the licensing objectives.
- 6.15 When the Cumulative Impact Policy is applied, and there are relevant representations, there is a rebuttable presumption of refusal by the Authority in all but exceptional circumstances, unless the applicant can demonstrate the premises will not adversely affect the licensing objectives.
- 6.16 It is not possible to give a full list of examples of when the council may treat an application as an exception. However, in considering whether a particular case is exceptional, the Licensing Authority will consider the reasons underlying the CIP for that area. Examples of factors the licensing authority will not consider as exceptional include:
- the premises will be well managed and run as all licensed premises should meet this standard
  - the premises will be constructed to a high standard
  - the applicant operates similar premises elsewhere, such as in another licensing authority area, without complaint
- 6.17 The Licensing Authority's policies, in relation to the cumulative impact are concerned with the cumulative effects of licenses on the area as a whole. Therefore, a case is most unlikely to be considered exceptional unless it is directed at the underlying reason for having the policy.
- 6.18 The Licensing Authority recognises that there are licensed premises which are unlikely to add significantly to the saturation in the defined areas and will consider each application on its merits.
- 6.19 The presence of the CIP does not relieve responsible authorities or any other person of the need to make a relevant representation. Where no relevant representations are received, there is a presumption that any application received will be granted in terms that are consistent with the submitted operating schedule. This presumption remains, even in a CIP area.

## Stress Area Policy (SAP)

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### **POLICY 18**

**This policy applies to application for new premises licence, substantial variations and provisional statements.**

**It is the Authority's policy to expect applications for the sale of alcohol for premises licences in Stress Areas to demonstrate they will promote the licensing objectives so as not to add to the alcohol harms in these areas, dependent on the specific policies in these areas.**

**When its discretion is engaged it is the policy of the Authority that applications which fail to demonstrate this are likely to be refused, or have conditions placed on the licence consistent with the promotion of the licensing objectives (See Appendix 4).**

#### **Reason for the policy**

- 6.20 Having regard to the Guidance, Medway Council, as the Authority, has consulted on the issue of cumulative impact, and, taking into account the evidence presented to it and the views of the respondents to the consultation, areas which have been identified as being of concern, although the evidence does not support a special policy. These areas are termed as stress areas. These areas are listed and the relevant policy is outlined at Appendix 4
- 6.21 These areas have been identified as areas of concern because of the effect of the concentration of licensed premises and their customers, which has highlighted problems of crime, disorder and public nuisance affecting residents, visitors and other businesses. In addition, public services, including police, health and emergency authorities and environmental services (cleansing and refuse services) are also being placed under strain.
- 6.22 Appendix 4 details the general aims of the SAP. The evidence presented to the Licensing Authority is distinct for each SAP area and therefore each area is addressed on an individual basis.
- 6.23 This policy represents the Licensing Authority's view of the best way of addressing the licensing objectives in those areas of Medway which are subject of a cumulative impact policy or stress area policy.

### **Expectations of the Authority**

- 6.24 The Authority expects applicants to address in detail all the issues outlined in the relevant policy contained at Appendix 4, offering measures to fully promote the licensing objectives.
- 6.25 While it is a matter for the applicant what details are included in the operating schedule, where it departs from the Policy the licensing sub committee will normally expect there to be a good reason for the departure if it is being asked to make an exception. However the Authority will not apply this Policy rigidly, and will always take into account the merits of any application and promote the licensing objectives.

### **What the Authority will do**

- 6.26 Where the Licensing Authority's discretion has been engaged it will always consider every application on its merits, whether it has complied with this policy or not, and only amend or add to an operating schedule to the extent that is appropriate to promote the licensing objectives.
- 6.27 The Licensing Authority's policies, in relation to stress areas are concerned with the cumulative effects of licenses on the area as a whole. Therefore, a case is most unlikely to be considered an exception unless it is directed at the underlying reason for having the policy.
- 6.28 Applications for new licences to replace licences which have lapsed because of the failure to submit an interim authority notice in due time in the event of the death or insolvency of a licence holder will be considered by the licensing authority as possible exceptions. Unless there are representations which indicate there have been problems associated with the premises, licences may be granted with conditions which replicate the effect of those of the previous licence.
- 6.29 The Licensing Authority recognises that there are licensed premises which are unlikely to add significantly to the saturation in the defined areas and will consider each application on its merits.
- 6.30 The presence of the SAP does not relieve responsible authorities or any other person of the need to make a relevant representation. Where no relevant representations are received, there is a presumption that any application received will be granted in terms that are consistent with the submitted operating schedule. This presumption remains, even in a SAP area.

**POLICY 19**

**The Authority will not impose any conditions, other than those consistent with the operating schedule and any mandatory conditions, unless its discretion has been engaged following a relevant representation, and it is satisfied that it is appropriate to do so to promote one or more of the licensing objectives.**

**Reason for the policy**

- 7.1 The Authority will ensure that conditions will be focussed on matters which are within the control of premises licence holders.
- 7.2 When considering and applying conditions, they should be clear, appropriate and enforceable. Conditions will be focused on matters that are within the control of the individual licence holder. Suggested example conditions have been produced at Appendix 6 to assist applicants, responsible authorities and other persons when proposing and determining conditions.

**Expectation of the Authority**

- 7.3 Everyone using Appendix 6 should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, appropriateness and enforceability.
- 7.4 Suggested example conditions are neither exclusive nor exhaustive. They do not restrict applicants, responsible authorities or other persons in proposing additional or alternative conditions.

**What the Authority will do**

- 7.5 Appendix 6 does not restrict the Authority when determining contested applications, from imposing any reasonable condition on a licence that it considers appropriate for the promotion of the licensing objectives under the Act.
- 7.6 A premises licence or club premises certificate that contains conditions imposed by the Authority, or agreed by the applicant, shall also be subject to the statutory mandatory licensing conditions. See Appendix 5 for the full list of mandatory conditions.
- 7.7 The Authority will avoid imposing conditions which duplicate other regulatory regimes as far as is possible.

## *Temporary Event Notices (TEN)*

## 8

### **Reason for the policy**

- 8.1 The Act provides for licensable activities to take place by way of a TEN, for events of less than 500 people at a time, with each event lasting for no more than 168 hours, following the notification of such events to the Authority. Only the police and environmental health are able to object to a TEN if they are of the opinion the event is likely to undermine the licensing objectives.
- 8.2 Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or environmental health on the basis of any of the four licensing objectives, the Authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically).

### **POLICY 20**

**The Authority encourages applicants to submit notifications at least four weeks prior to the date for the event.**

- 8.3 The Authority recommends that adequate notice is allowed for proper consultation for the proposed event in order to ensure that issues are resolved rather than see events cancelled because there is insufficient time to address representations.

### **POLICY 21**

**When considering representations to temporary event notices from the Police or Environmental Health, the Authority will take the following factors into account:**

- **Circumstances of the objection**
- **Location of premises i.e. within a cumulative impact policy area or stress area.**
- **The applicant's willingness to comply with the conditions attached to the premises licence, if applicable**
- **History of complaints**
- **The track record of the applicant**
- **Any proposed control measures intended to mitigate the objection**

### **Expectation of the Authority**

- 8.4 All persons completing a TEN for an event at premises where a premises licence is already in force are strongly advised to undertake a risk assessment in order to ensure that the four licensing objectives are considered and addressed prior to the notice being served. Applicants will find **Polices 2, 3, 4 5 and 6** (including Appendix

7 - Good Practice Guide) and **Policy 7** applicable. This is of particular relevance for the following premises:

- a nightclub or public house with the provision of entertainment
- the event to run anytime between the hours of 23:00 and 08:00
- the event is to be promoted or advertised to the public any time before the event
- the event predominantly feature DJs or MCs performing to a backing track

This is also particularly relevant in areas within a cumulative impact policy area or a stress area where there are concerns of alcohol related crime, disorder and public nuisance associated with licensed premises. Details of these areas and supporting evidence can be found at Appendix 4.

### **What the Authority will do**

- 8.5 If the Authority receives an objection notice from the police or environmental health that is not withdrawn, it must, in the case of a standard TEN, only hold a hearing to consider the objection (unless all parties agree that this unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the Authority decides to impose conditions, it must give notice to the premises user that includes a statement of conditions and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the Authority must give a counter notice.
- 8.6 Where there are relevant objections and the policy has not been adhered to the licensing sub committee will normally expect there to be a good reason, if it is being asked to make an exception. However the Authority will not apply this policy rigidly, and will always take into account the merits of any notice and promote the licensing objectives.
- 8.7 If the Authority receives an objection notice in relation to a late TEN from the police or environmental health, that is not withdrawn, the Authority will issue a counter notice, which prevents the event from taking place.
- 8.8 Appendix 3 gives further information concerning temporary event notices.



## *Compliance and Enforcement*

## 9

- 9.1 The Authority has ensured the administration and enforcement of the licensing regime are two separate and independent services, as required the Human Rights Act 1998 and in particular, Schedule 1, Article 6, 'a right to a fair trial'.
- 9.2 The Authority believes the promotion of the licensing objectives relies on a partnership between licence holders, responsible authorities, other persons and the Authority.
- 9.3 The Council has, in its corporate compliance and enforcement policy, set clear standards of service and performance that the public and businesses can expect. This document can be accessed at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?id=992>
- 9.4 In particular, compliance and enforcement action will have regard to:
- Risk assessment – i.e. focusing on activities that give rise to the most serious risks or where hazards are least well controlled.
  - Consistency – i.e. similar approaches in similar circumstances to achieve similar ends
  - Transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance
  - Proportionality – i.e. action taken should be proportional to the risk presented
- 9.5 The Authority has also signed up to the Kent & Medway Licensing Enforcement Protocol. The aim of this protocol is to establish a model working in partnership with:
- Responsible Authorities
  - Other enforcement agencies as appropriate (e.g. Her Majesty's Revenue and Customs, UK Visas and Immigration)

**POLICY 22**

**The Authority will apply the full range of powers available on receipt of a review of a premises licence and when it determines it is appropriate to promote the four licensing objectives. The powers include:**

- **Restricting hours of operation**
- **Removing a licensable activity, or activities, from the premises licence**
- **Imposing additional conditions**
- **Requiring the removal of a designated premises supervisor**
- **Suspending the licence for a period not exceeding 3 months**
- **Revoking the licence**

**Reason for the policy**

- 10.1 The review process is integral to the operation of the Act. If problems arise in connection with a premises licence or club premises certificate, it is for responsible authorities and other persons to apply to the Authority for a review. In appropriate circumstances, the Authority itself may review a licence. Proceedings under the Act for reviewing a premises licence are provided as a key protection for the community, where problems associated with the four licensing objectives are occurring.
- 10.2 The Authority believes the promotion of the licensing objectives can be best achieved by partnership working between all parties to the licensing regime. The Authority therefore believes that reviews should be primarily used where evidenced engagement and advice with the licensed premises has gone unheeded and problems continue.

**Expectations of the Authority**

- 10.3 In order to achieve this partnership the Authority recommends and encourages responsible authorities to give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement. The Authority generally expects evidence of engagement to be presented as part of the review process where this is appropriate.
- 10.4 Responsible authorities, councillors, businesses or members of the public can trigger a review of a premises licence or club premises certificate but any review must relate to one or more of the licensing objectives, and an evidentiary basis for a review is required to be presented to the Council.

**What the Authority will do**

- 10.5 The Authority will arrange a hearing on receipt of an application for review by a responsible authority or interested party that must relate to one or more of the licensing objectives.

- 10.6 Where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement - either orally or in writing – that have failed as part of their own stepped approach to concerns the Authority will not merely repeat that approach.

### **POLICY 23**

**Where reviews arise and the Authority determines the premises are being used to further crimes, revocation, even in the first instance, will be considered.**

#### **Reason for the policy**

- 10.7 The circumstances under which revocation in the case of crime will be considered, even in the first instance is detailed in the Guidance and can include the following circumstances:
- Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes.
  - Use of licensed premises for the sale and distribution of illegal firearms
  - Evasion of copyright in respect of pirated films and music
  - Underage purchase and consumption of alcohol
  - Use of licensed premises for prostitution or the sale of unlawful pornography
  - Use of licensed premises for unlawful gaming
  - Use of licensed premises as a base for organised criminal activity
  - Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks
  - Use of licensed premises for the sale of smuggled tobacco or goods
  - The use of licensed premises for sale of stolen goods
  - Prolonged and/or repeated instances of public nuisance
  - Where serious risks to public safety have been identified and the management is unable or unwilling to correct those risks
  - Where serious risks of harm to children have been identified
  - Permitting drunkenness and for encouraging binge drinking

**What the Authority will do**

- 10.8 Where reviews arise and the Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, revocation of the licence - even in the first instance - will be seriously considered. Revocation also remains an option if other licensing objectives are being undermined.
- 10.9 Offences under the Act include the serving of alcohol to persons under the age of 18, with a further offence of persistent sales of alcohol to persons under the age of 18 (see **Policy 6**). The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The admitting or serving of persons who are intoxicated is also an offence under the Act. The Authority will treat representations that these offences have occurred seriously when they arise in connection with a review.

## *Removal of requirement for a Designated Premises Supervisor in a Community Premises* **11**

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- 11.1 The management committee of a community premises such as a church hall, village hall or community hall or other similar building can now opt out of the requirement to have a designated premises supervisor. They may either apply for a new premises licence or for the variation of an existing premises licence to include the sale/supply of alcohol. Also the management committee of a community premises with an existing premises can apply to vary the premises licence to remove the requirement for a designated premises supervisor without altering anything else. The process is fully explained in the Guidance.
- 11.2 Community premises are defined as premises that are or form part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building.
- 11.3 Where it is not clear whether premises are “community premises”, The Authority will approach the matter on a case-by-case basis and take into account the following considerations.
- How the premises are predominately used.
  - If they are genuinely made available for community benefit most of the time,
  - If they are accessible by a broad range of persons and sectors of the local community for purposes which include purposes beneficial to the community as a whole
- 11.4 Many community premises such as school and private halls are available for private hire by the general public. This is insufficient for such halls to qualify as “community premises”. The statutory test is directed at the nature of the premises themselves, as reflected in their predominant use, and not only at the usefulness of the premises for members of the community for private purposes.

## *Suspension for non payment*

# 12

### **POLICY 24**

**It is the policy of the Authority to suspend a premises licence if, following the procedure outlined below, the annual fee remains unpaid.**

#### **Reason for the policy**

- 12.1 The Act requires an Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due. However, this does not apply immediately if the payment was not made before or at the time of the due date because of an administrative error, or because the holder disputes liability for the fee before or at the time of the due date. In either case, there is a grace period of 21 days. This period is intended to allow the licensing authority and the licence or certificate holder an opportunity to resolve the dispute or error. If the dispute or error is not resolved during this 21-day period, the licence or certificate will be suspended.
- 12.2 A premises licence or certificate that has been suspended does not have effect to authorise licensable activities. However, it can, for example, be subject to a hearing or in the case of a premises licence, an application for transfer.

#### **Expectations of the Authority**

- 12.3 The holder who held the licence at the time it was suspended owes the debt. However, it may be more likely in practice that the new holder will actually make the payment.
- 12.4 In the case of a licence or certificate where more than one payment year has been missed payment of the outstanding fee in relation to each year will be required to reinstate the licence.

#### **What the Authority will do**

- 12.5 The licence will only be reinstated when the outstanding fee has been paid.
- 12.6 Invoices are issued by the Council Finance Department and payment is due within 28 days of the invoice date. Should payment not be received we will call the licence holder or make a visit to the premises to advise the licence holder of failing to pay the annual fee. At this point should payment not be received within 7 days then the licence or certificate will be suspended.
- 12.7 The fees are set with the aim of recovering the licensing authorities cost of administering, inspecting and ensuring compliance with this legislation and the associated guidance.

- 12.8 Fees are currently set by Government, but should this change The Authority will follow any legislative requirements for setting them locally.

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**POLICY 25**

**When its discretion is engaged on receipt of relevant representations from the police, the Authority will determine applications for personal licences by reference to the following considerations.**

**Reason for the policy**

- 13.1 The Authority recognises it has no discretion regarding the granting of personal licences where an applicant has a qualification determined by the Home Office and does not have a relevant criminal conviction. In these circumstances the application must be granted. This policy does not effect this position.

**What the Authority will do**

- 13.2 If an applicant has a relevant conviction the police can make relevant representations on the grounds of preventing crime and disorder, which engages the Authority's discretion. In these circumstances the Authority will consider carefully whether the grant of the licence will fail to promote the crime prevention objective. It will take the following into consideration
- The seriousness and relevance of the conviction(s),
  - Whether the conviction is classed as spent under the Rehabilitation of Offenders Act 1974 (as amended),
  - The period that has elapsed since the offence(s) were committed
  - Any mitigating circumstances.
- 13.3 The Authority will only grant the application if it is satisfied that doing so will promote this objective. A person holding a personal licence should be a person who is not only properly qualified but a person who will promote the crime prevention objective.
- 13.4 Under certain circumstances the Authority has a discretionary power to revoke or suspend a personal licence. Where the Authority has granted a personal licence and becomes aware the licence holder has been convicted of a relevant offence or foreign offence, or been required to pay an immigration penalty, the Authority may revoke the licence, or suspend it for a period of up to six months. This only applies to convictions received and civil immigration penalties which a person has received after 6<sup>th</sup> April 2017.
- 13.5 The Authority has noted the steps required to invoke and proceed with this power and will comply fully with the requirements outlined in the Act and Guidance.



- 13.6 In accordance with the Deregulation Act 2015, any Personal Licence falling for renewal on or after 1st April 2015 is not now required to be renewed. Personal Licences will now remain in force indefinitely, unless surrendered, forfeited etc.

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## *Early Morning Restriction Order (EMRO)*

## 14

- 14.1 This Authority does not currently have in place an early morning restriction order.
- 14.2 Early Morning Restriction Order (EMRO) are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 14.3 The Licensing Authority will need to be satisfied that the request for EMRO is appropriate for the promotion of the licensing objectives and for a specified period between 12 midnight and 6am and in relation a particular area; which maybe the whole or part of the local authority area.
- 14.4 The Licensing Authority will consider evidence from partners, including responsible authorities and Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 14.5 When establishing its evidence base, a licensing authority may wish to consider
- Local crime and disorder statistics, including statistics on specific types of crime and hotspots
  - Local anti-social behaviour statistics
  - Health related statistics such as alcohol related emergency attendances and hospital admissions
  - Environmental Health complaints, particularly in relation to litter and noise.
  - Complaints recorded by the local authority, which may include complaints raised by local residents or residents associations
  - Residents questionnaires
  - Evidence from local councillors
  - Evidence obtained through local consultation.
- 14.6 This is not considered an exhaustive list of the types of evidence. Where information is insufficient or not readily available the licensing authority may consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night-time economy to assess the extent of incidents relating to the promotion of the licensing objectives, such as incidences of criminal activity, anti-social behaviour, examples of public nuisance and under age drinking at key times and locations. Where observations determine that it is relating to specific premises the

issues will be dealt with under the Review of a Premises Licence/Club Premises Certificate procedure rather than the use of an EMRO.

14.7 The licensing authority may also consider alongside its own evidence as to the impact of licensable activities within its area and consider in particular; the times at which licensable activities are carried on. Information which may be considered includes:

- Trends in licence applications, particularly trends in applications by types of premises and terminal hours
- Changes in terminal hours of premises
- Premises capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

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- 15.1 This Authority does not currently have in place a late night levy.
- 15.2 The late night levy is a power for licensing authorities to introduce a charge for premises that have a late alcohol licence. Whether or not to implement the levy will be left entirely at the discretion of the Authority which will make the decision based on the situation in the local area. In the areas that it is introduced the levy will be collected annually and the revenue will be split between the Authority and the police.
- 15.3 The decision to introduce the levy is for the Authority to make.
- 15.4 The Authority is expected to consider the need for a levy with the Chief Officer of Police and the Police and Crime Commissioner ('PCC') for the police area in which it is proposed the levy will be introduced. Local residents can use existing channels and forums to put forward views and call for the implementation, or not, of the levy in their area.
- 15.5 The levy is a power and some licensing authorities will not consider that it is appropriate to exercise it. The Authority may wish to decide whether or not it believes it has a viable proposal to introduce the levy before incurring the costs of the formal consultation process. It is recognised that some licensing authorities may not have a large number of premises, which are licensed to sell alcohol during the late night supply period.

## *Sex Establishments*

## 16

- 16.1 Not all establishments where there are displays of a sexual nature will fall under the definition of 'sexual entertainment venue', but where they do the Authority has a separate policy for applications for this type of venue in this council administrative area and applicants should refer to that policy for guidance.

It can be found at:

<http://www.medway.gov.uk/businessandinvestment/licensingyourbusiness/sexestablishments.aspx>

- 16.2 Applicants for premises licences or club premises certificates under the Act must state in the application whether entertainment of an adult nature will be provided, as this may have an impact on the protection of children from harm. If there is such entertainment the Authority expects the applicant to give particular consideration to the promotion of the licensing objectives, particularly the protection of children from harm objective.

**Policy 26**

**It is the policy of the Authority that applications for premises licences in respect of permanent commercial premises will be encouraged to secure the necessary planning consents, if not already obtained, before carrying on their licensable activities. An application for any variation of a licence would not relieve the applicant of the need to apply for planning permission or building control consent where appropriate**

**Reason for the policy**

- 17.1 The Authority acknowledges that planning permission, building control approval and the licensing regimes are separate and different, albeit they may deal with related, matters. The Authority is not bound by decisions made by a planning committee, and vice versa.

**Expectations of the Authority**

- 17.2 The Authority recommends that any premises for which a licence is required should normally have an authorised use under planning legislation.

**What the Authority will do**

- 17.3 As stated by Guidance, where businesses have indicated, when applying for a licence under the Act, that they have also applied for planning permission or that they intend to do so, the Authority will consider discussion with the planning department prior to determination with the aim of agreeing mutually acceptable operating hours.
- 17.4 Where a terminal hour has been set for the use of premises for commercial purposes under planning legislation, the Authority, when its discretion is engaged on receipt of representations, will consider imposing the same terminal hour under licensing legislation, unless there are exceptional circumstances, in order to ensure a proper integration between the two regimes.

## *Discharge of Functions*

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## 18

- 18.1 A list of the scheme of delegations approved by members is attached as Appendix 9 (this may be amended from time to time in line with the Council Constitution and/or changes in any relevant legislation).

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The Licensing Act relates to the sale of alcohol, the provision of certain entertainment and late night refreshment.

Activities that require a licence under the Licensing Act and covered by this Policy Statement include:

- i) Retail sale of alcohol
- ii) Supply of hot food or drink from premises from 23.00 to 05.00 hours
- iii) Supply of alcohol to club members
- iv) Provision of regulated entertainment listed below. *Please see exemptions listed at Appendix 2*
  - a) Film exhibitions
  - b) Performance of a play
  - c) Indoor sporting events
  - d) Boxing or wrestling entertainment
  - e) Some live music performances
  - f) Playing of recorded music
  - g) Dance performances
  - h) Provision of facilities for making music
  - i) Provision of dancing facilities

The Licensing Act prescribes:

- i) Personal licences which cover the licensing of individuals for the retail sale of alcohol
- ii) Premises licences which cover the retail sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment
- iii) Club premises certificates which are required to allow the supply of alcohol or the provision of regulated entertainment to certain clubs
- iv) Temporary event notices which are required for certain licensable activities on a temporary basis



The government has sort to promote the holding of events and live music by the deregulation of Schedule 1, Licensing Act 2003 (Regulated Entertainment) through the Live Music Act in 2012 and further deregulation in 2015.

Below is a guide designed to indicate when entertainment may be exempt for the need for authorisation Please note that the information provided is not legal advice. Legislation and procedures may change over time and the advice given is based on the information available at the current time. It is not necessarily comprehensive and will be subject to revision in the event of further government guidance and regulations. This advice is not intended to be a definitive guide to or substitute for the relevant law.

The council is happy to provide information but cannot give advice on individual applications. Please seek legal and professional advice.

<b>Type of entertainment</b>	<b>Premise type</b>	<b>Time</b>	<b>Audience numbers</b>	<b>Other Conditions</b>
Live Music (Amplified)	a licensed premises or workplace; and/or an unlicensed community premises; and/or non-residential premises	between 8am and 11pm	no more than 500 people	
Live music (Acoustic)	anywhere	between 8am and 11pm	no more than 500 people	
Recorded Music	it takes place at a licensed premises; and/or an unlicensed community premises; and/or non residential premises	between 8am and 11pm;		
Dance		between 8am and 11pm	no more than 500 people	
Plays / Theatrical Performances		between 8am and 11pm	no more than 500 people	
Films (in Community Premises)		between 8am and 11pm;	audiences of 500 or less	<ul style="list-style-type: none"> <li>• is "not-for-profit"; and</li> <li>• is held in accordance with any age classification recommendations set by the BBFC, or where</li> </ul>

				different, any age rating set by the Licensing Authority in whose area that exhibition takes place.
Indoor Sporting Events		between 8am and 11pm	no more than 1000 people	
Boxing / Wrestling (includes Mixed Martial Arts and Cage Fighting)			no more than 1000	only if Olympic style Greco-Roman and Freestyle wrestling
All regulated entertainments	Cross-activity exemptions hosted by local authorities, hospitals, nurseries and schools on own premises	between 0800-2300	no audience limitations	
Live and Recorded Music	Activities held on local authority, hospital, nursery and school premises by others with their permission	between 0800-2300		
Live and Recorded Music	Community premises (e.g.: church and village halls, community halls, etc.)	between 0800-2300		
Live and Recorded Music, Plays, Dance and Indoor Sports	Circuses	between 0800-2300	no audience limitations	

In addition no authorisation is required for the following:

- Morris dancing
- Films
  - which are solely or mainly to demonstrate a product, advertise goods or services, or provide information, education or instruction
  - which are part of an exhibition in a museum or gallery
- Live TV and radio broadcasts
- Public religious services

- entertainment in places of public religious worship
- Fetes (unless held for private gain)
- Entertainment provided in a moving vehicle
- Incidental entertainment - which is entertainment provided for background entertainment rather than being the main purpose for people attending a premises or event

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**Limitations for Temporary Event Notices**

A temporary event notice (TEN) may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations one individual will therefore need to be identified as the proposed premises user.

An 'associate' of the proposed premises user is:

1. the spouse of that person;
2. a child, parent, grandchild, grandparent, brother or sister of that person;
3. an agent or employee of that person; or
4. spouse of a person within (2) or (3).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

The limitations apply to:

- the number of times a person (the "premises user") may give a temporary event notice (TEN) (50 times per year for a personal licence holder and five times per year for other people);
- the length of times a person (the "premises user" may give a late temporary event notice (LTEN) (10 times per year for a personal licence holder and two times per year for other people);
- the number of times a TEN may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a TEN may last for these purposes (168 hours);
- the maximum aggregate duration of the periods covered by TENs at any individual premises (21 days per calendar year);
- The scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

If the limitations cannot be met a premises licence will be required.

**Standard Temporary Event Notice (STEN)**

It is a requirement that you send at least one copy of the notice to the licensing authority at least 10 working days before the commencement of the proposed licensable activities / event. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act.

**Late Temporary Event Notice (LTEN)**

It is a requirement that you send at least one copy of the notice to the licensing authority at least five working days but no earlier than nine working days before the commencement of the proposed licensable activity or event. A late notice given later than five working days before the event to which it relates will be returned as void and the activities described in it will not be authorised. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act.

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

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**Cumulative Impact Areas**

- In accordance with the Section 182 Statutory Guidance the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the Licensing Authority to consider.
- 'Cumulative impact' is defined in the Statutory Guidance as the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative Impact Policies (CIPs) may relate to premises licensed to carry out any licensed activity, including the sale of alcohol for consumption on or off the premises and the provision of late night refreshment.
- The Statutory Guidance sets out the steps to be followed when considering whether to adopt a special policy within the Licensing policy these include:
  - Identify concern about crime and disorder; public safety; public nuisance; or protection of children from harm.
  - Consider whether there is good evidence that crime and disorder or nuisance are occurring, or whether there are activities which pose a threat to public safety or the protection of children from harm.
  - If such problems are occurring, identify whether these problems are being caused by the customers of licensed premises, or that the risk of cumulative impact is imminent.
  - Identify the boundaries of the area where problems are occurring.
  - Consult with those specified by section 5(3) of the Licensing Act and subject to the outcome of that consultation, include and publish details of special policy in the licensing policy statement.
- Having taken into account the Statutory Guidance and representations from the Community Safety Partnership, which included evidence from the Community Safety Unit, Kent Police, Public Health, residents and businesses, the council have identified four areas as being suitable for a Cumulative Impact Policy (CIP):
  - Chatham High Street and Railway Street area
  - Gillingham High Street, Canterbury Street and Gillingham Road area
  - Luton Road area
  - Rochester High Street area

- The evidence considered by the Licensing and Safety Committee on the 8<sup>th</sup> March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- The policy context, aims and types of licensed premises covered by each CIP is different in each area based on the evidence presented to the Licensing Authority, the opinions of ward councillors and the responses and views of local residents and businesses following the consultation process.
- The Licensing Authority recognises that there are licensed premises which are unlikely to add significantly to the problems in the defined areas and will consider each application on its merits.
- The presence of a cumulative impact policy does not relieve responsible authorities or any other person of the need to make a relevant representation. Where no relevant representations are received, there is a presumption that any application received will be granted in terms that are consistent with the submitted operating schedule. This presumption remains, even in these areas.

### **Stress Areas.**

- While the proposed CIP areas define the centre, as far as is possible, of identified alcohol related harms, these, as well as the licensed premises, extend beyond the boundaries of these zones. As with any policy that delineates a specific area, its effectiveness may be undermined if alcohol is readily available from nearby licensed premises. In addition displacement from the proposed CIP areas could also have a detrimental effect on nearby areas where there is already concern, although not to such a level where a CIP can be justified.
- In view of the above the Licensing Authority has decided to designate certain areas as 'stress areas', where there is concern about alcohol related crime associated with a density of licenced premises, although not to a level where a CIP can be justified and where there are concerns regarding displacement of alcohol related harm into, and from, a CIP area. A Stress Area Policy (SAP) will be adopted for these areas.
- Three areas have been identified as stress areas
  - South Gillingham
  - The High Street and A2 between Chatham and Rochester
  - Strood town centre
- In the defined area the Licensing Authority will expect applicants to pay special attention to the measures they offer in their operating schedule so they promote the four licensing objectives and show they will not add to the accumulation of problems in the area. When the Licensing Authority's discretion is engaged and applications fail to address all the appropriate measures, they may be refused or have conditions applied to promote the licensing objectives.

- The proposed measures in each policy are considered appropriate; depending on the type of operation, in these areas to promote the licensing objectives, taking into account the evidence of alcohol related crime, disorder and public nuisance in these areas. Applicants are not limited to these measures and should propose any measures in accordance with the risk assessment recommended as part of the application process in the S182 Statutory Guidance.
- Where the Licensing Authority's discretion has been engaged, applicants should be prepared to explain why any recommended measures have not been included in an operating schedule
- The Licensing Authority recognises that there are licensed premises which are unlikely to add significantly to the problems in the defined areas and will consider each application on its merits.
- The presence of the 'stress area' policy does not relieve responsible authorities or any other person of the need to make a relevant representation. Where no relevant representations are received, there is a presumption that any application received will be granted in terms that are consistent with the submitted operating schedule. This presumption remains, even in these areas.

### **Policy context and aims**

- Medway, and its centres, such as Rochester, Chatham, Gillingham and Luton, play an essential role in community life and are intrinsic to perceptions of place. Centres bring people together to shop, do business, and enjoy leisure time, and can also be a place to live. Changes in how people shop have brought about changes on our high streets, with the closure of many retailers. Alterations to permitted development rights have extended the ability to change the use of buildings, such as shops, to restaurants and homes.
- The Licensing Authority recognises that the quality of the local environment has an important influence on both the safety of an area and the perception of its safety by local residents. Our residents have told us they are concerned about safety and the way crime and anti social behaviour are dealt with, particularly in some of the more deprived areas, such as Luton, Chatham and Gillingham. The Licensing Authority encourages any application which seeks to improve and enhance our centres highlighted within the CIP or SAP process, but which will not add to the cumulative impact of the alcohol related harms experienced by residents.
- Medway has a strong cultural, sporting and heritage offer. Many local people work in the leisure and tourism industries and it contributes in the region of £265 million to the local economy. Together they contribute to the well being of local residents by raising levels of civic pride, improving physical and mental health and delivering local



jobs. Furthermore Medway's identity to the world is, to a great extent, shaped by the nature of its appeal to visitors.

- There is potential to increase visitor numbers and local engagement and raise Medway's image as a tourist destination by strengthening this offer. Successful centres provide a range of accessible services and facilities and also contribute to the image of Medway as the place which many visitors first see when they arrive in the area. The Licensing Authority encourages applications which seek to improve Medway's tourist facilities within the confines of the CIP or SAP areas, but which will not add to the cumulative impact of alcohol related harms.
- The single largest type of premises in Medway is off licenced premises, which has also seen the most increase over the last 5 years. Most of these are small convenience/newsagents/corner shops, many of which sell cheap, strong alcohol, commonly termed 'super strength' beer, cider and lager.
- Over recent years the Licensing Authority has become increasingly aware of the problems experienced in our local communities arising from the availability of alcohol for sale at local shops for consumption off the premises. The public face of these problems show themselves in congregations of street drinkers or alcohol dependent persons drinking on the streets and public places causing nuisance, anti social and intimidating behaviour at all times of the day and night. The hidden harms of the ready availability of cheap alcohol manifests itself in unacceptable rates of domestic abuse and alcohol health harms, such as alcohol related hospital admissions and ambulance callouts where alcohol has been deemed to be a contributory factor, particularly in the more deprived areas, and where there are concentrations of these type of premises.
- The Licensing Authority aims to work with the off licensed trade to raise standards, ensuring all appropriate procedures are in place, promoting the licensing objectives and addressing the above concerns as far as possible within the ambit of the licensing process. However, it has been recognised that in those areas of Medway identified in the CIP and SAP process, poorly run off-sales establishments can provide vulnerable people with access to cheap, strong drinks without any supervision of how, where and by whom the alcohol is consumed, leading to crime, disorder and public nuisance that is affecting the quality of life of our residents, businesses and visitors.
- While it has been recognised as part of the CIP process, there are alcohol related harms associated with a density of licensed premises in the areas identified above, the intention is not to simply stop the development of licensed premises in these areas. The CIP and SAP are intended to complement an overall approach which will be area specific, and intended to promote those types of licensed premises which are considered by the Council as consistent with supporting the wider strategies, plans and policies in place to improve Medway.

- Therefore the overall aim of both the CIP and SAP is to encourage a diversity of licensed premises which complement, enhance and support the communities in which they are situated and support the overall strategic goals of Medway Council.
- In support of the wider goals, strategies and policies of Medway Council, the Licensing Authority wants to encourage, depending on the specific area:
  - Premises which extend the diversity of entertainment and attract a wider range of participants.
  - Family friendly venues, where adults and children can go. These may be specific places where children attend, but can also be premises appealing to adults, but which also have a provision for children.
  - Exhibition and art venues.
  - Theatres and cinemas.
  - Restaurants and cafes where the sale of alcohol is ancillary to the sale of food.
  - Community venues.
  - Good quality hotels and other premises which support the tourism industry and complement Medway’s heritage.
- Where the Licensing Authority’s discretion is engaged, the following types of premises, highlighted in red below, will fall within the ambit of the appropriate policy.

	Chatham High Street	Gillingham High Street	Luton Road	Rochester High Street	Stress areas
Pub/Bar/Club	Yes	Yes	No	Yes	Yes
Off licence	Yes	Yes	Yes	Yes	Yes
Restaurant/Café	No	No	No	No	No
Ancillary alcohol sales	No	No	No	No	No
Takeaways	No	No	No	No	No
Members Clubs	No	No	No	No	No

- All policies will apply to the following types of licensing application
  - New premises licence applications
  - Material variations for existing premises licences
  - Provisional statements for premises licences

- To assist applicants the definition for each type of premises listed above is contained at the end of this policy. The examples given are not definitive and, if the Licensing Authority's discretion is engaged it will be for members to decide if a specific premises falls within the relevant policy on the evidence provided.

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### Definition of types of licensed premises

<b>Type of licensed premises</b>	<b>Description of premises</b>
Restaurants	Premises which primarily supply substantial table meals for consumption on the premises and dining is the main activity for customers.  Fast food premises and takeaways are not considered as 'restaurants' for the purposes of this policy.
Pubs/Bars/Clubs	Premises which primarily supply alcohol for consumption on the premises, with or without the provision of off sales and with or without the provision of entertainment, hot food and hot drink for consumption on or off the premises.
Off licences	Premises that supply alcohol primarily for consumption off the premises, including convenience stores, supermarkets and newsagents.
Takeaways	Premises that provide late night refreshment either by way of take away for immediate consumption, or fast food on a counter or self seated basis
Members Clubs	A members club is one that complies with Sections 62 and 64 of the licensing Act 2003, such as Working Men's Clubs, and is run under a cub premises certificate, not a premises licence.
Ancillary Alcohol Sales	<p>For the purposes of this policy venues where alcohol is ancillary to the main purpose of the premises, and alcohols sales make up a small percentage of the business. This type of premises may include</p> <ul style="list-style-type: none"> <li>• Cinemas</li> <li>• Theatres</li> <li>• Bowling alleys</li> <li>• Hotels and B&amp;B premises where alcohol is provided for consumption on the premises for the benefit of residents</li> <li>• Art galleries/exhibition venues</li> <li>• Hairdressers/florists</li> </ul> <p>'Ancillary alcohol sales' will NOT apply to</p> <ul style="list-style-type: none"> <li>• Sexual entertainment venues</li> <li>• Hotel bars with public access (not just available to customers staying in overnight accommodation)</li> </ul>

## **Cumulative Impact Policy 1.**

### **Chatham High Street**

#### **Evidence summary**

- This central part of Medway is ranked in the most deprived 20% of super output areas nationally, with crime being a main area of concern.
- Evidence shows this area has unacceptably high rates of
  - Alcohol related crime and disorder, with Chatham High Street and surrounding areas showing as a hot spot for the following
    - Anti social behaviour
    - Assaults
    - Criminal damage
    - Public order
    - Sexual offences
    - Arrests for
      - Public order
      - Drunk and disorder
      - Assaults on police
  - Alcohol related hospital admissions
    - Both River and Chatham Central wards have some of the highest rates of alcohol related hospital admissions
  - Alcohol related ambulance callouts
    - The lower part of River ward, covering Chatham High Street, has the highest number of ambulance callouts where alcohol has been deemed to be a contributory factor
  - Medway Hospital A&E assault data
    - Chatham High Street is the area in Medway with the highest number of reported assaults
  - Chatham High Street and surrounding areas have particular problems with street drinking and associated nuisance, such as begging, intimidating behaviour, litter and public urination and defecating.
- The Community Safety Unit identified issues around the availability and consumption of high strength cheap beer and cider linked to health issues, public nuisance, anti social behaviour and crime.
- All respondents to a community questionnaire felt licensed premises in this area contribute towards alcohol related issues, and that customers from licensed premises contribute to problems of public nuisance and public safety. The majority identified off licences as the main concern, followed by pubs and bars. All respondents felt the number of licensed premises in the area contribute to alcohol related problems.

- The evidence considered by the Licensing and Safety Committee on the 8<sup>th</sup> March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- Cumulative Impact Policy 1 will apply to the following applications
  - New premises licence applications
  - Material variations for existing premises licences
  - Provisional statements for premises licences

for the sale of alcohol for consumption on or off the premises, or both.

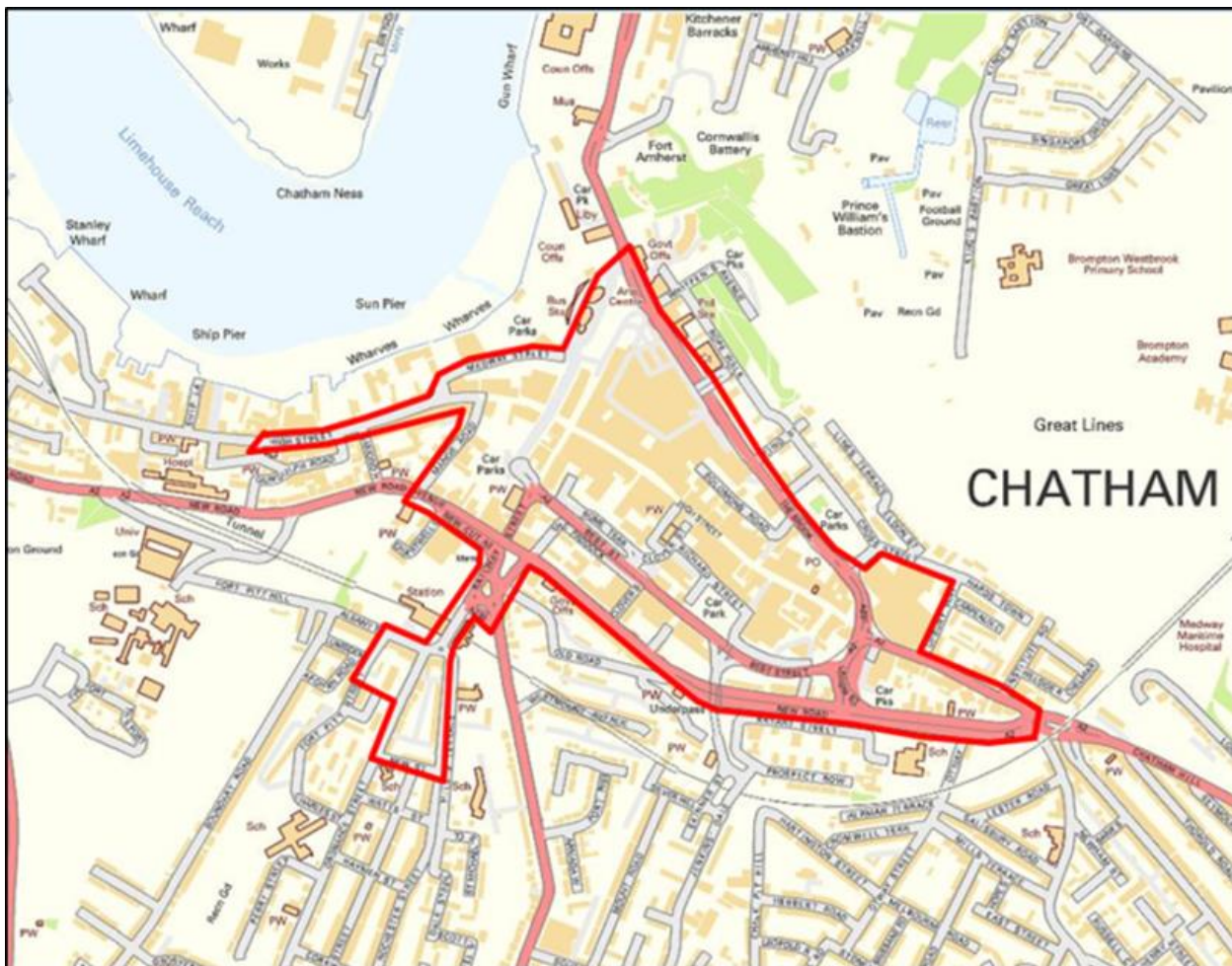
### **Chatham High Street overview and policy aims**

- The High St and surrounding area has a mix of cafes, restaurants, pubs and a few late night venues, as well as many fast food type outlets. The traditional, small community pub has seen a real decline in recent years, mainly leaving larger town centre premises, which benefit from a licence allowing later operation hours. Kent Police and Chatham residents have evidenced alcohol related crime, disorder and nuisance associated with both day time alcohol misuse and the night time economy.
- There has been a growth of off licensed premises in the CIP, and surrounding, area, most of which are small convenience stores, corner shops and newsagents. Many of these sell products which are known as 'super strength' beer and cider i.e. cheap beer and cider products over 6.5% ABV, making cheap, high strength alcohol readily available. Responsible authorities, other agencies, residents and businesses in Chatham have provided evidence showing the number of off licensed premises has led, in part, to issues of street drinking and associated crime, disorder and nuisance as well as other, more hidden alcohol related harms, such as domestic abuse and health harms. Where its discretion is engaged the Licensing Authority regards the prevention of public nuisance, crime and disorder to residents as a material consideration in any application.
- Chatham has undergone extensive regeneration in recent years, which will continue along the river side and in the town centre, increasing the number of residents. A recently commissioned study recommended the council should plan for a stronger evening economy in Chatham through commercial leisure provision, particularly restaurants and cafes.
- Chatham is the location of extensive heritage assets, such as the Historic Dockyard and Fort Amherst. The Licensing Authority want to support and encourage businesses which complement and support these assets, encouraging tourists and increasing dwell time, growing local spend and improving the economic health of Chatham town centre.

- The development of a cultural infrastructure is also a key goal. Establishing a creative quarter around Sun Pier House, with exhibition opportunities, as well as quality hotels in Chatham for visitors, is important to develop the area as a tourist destination.
- Notwithstanding the existence of the CIP, members are supportive of applications which will positively benefit the town centre in line with the aspirations outlined above. The kind of application which would be encouraged is for family friendly venues, such as restaurants, community venues and other leisure businesses where the sale of alcohol is ancillary to the main activity.
- The key aim in Chatham Town Centre is to encourage and expand the leisure, tourism and business visitor offer, with the intention of providing premises attractive to all age groups and a diversity of licensed premises in both the day and night time economy including:
  - Restaurants and cafes, with an emphasis on:
    - Good quality, family friendly venues
  - Premises where the sale of alcohol is ancillary to the main business, such as
    - Exhibition and art venues
    - Theatres and cinemas
    - Hotels
    - Venues which complement and enhance Medway's heritage
- This is a less restrictive approach than is suggested in the Statutory Guidance, which suggests that Licensing Authorities can adopt a policy of refusing all new licences in areas where special policies on cumulative impact apply, subject to their discretion being engaged.



## Chatham High Street CIP area map



### List of roads included in the Chatham High Street CIP.

Addresses on both sides of all roads shown in the above map are included in the CIP unless otherwise stated.

While every effort has been made to include all roads within the above CIP area, there may be omissions, errors or additions due to ongoing development, and the following list is only intended as a guide. The area delineated above is the area covered by the CIP and it is the applicant's responsibility to confirm the location of their premises.

A2 New Road from its junction with  
Chatham Hill to its junction with Manor  
Road

A230 Maidstone Road to the Bus Station  
junction

A231 The Brook

A231, Dock Road to its junction with  
Globe Lane (Bus Station)

Batchelor Street



Best Street

Slicketts Hill

Clover Street

Solomons Road

Cross Street

The Paddock

Gibraltar Hill

Union Street

Globe Lane

Upbury Way

High Street between the junction with  
Chatham Hill and the second junction with  
Gundulph Road (travelling from Chatham  
Town Centre)

Waterfront Way

Whittaker Street

James Street

Manor Road

Medway Street

Meeting House Lane

Military Lane

New Street

Ordnance St from its junction with New St  
to Ordnance Terrace

Ordnance Terrace from its junction with  
Ordnance Street to Railway Street

Railway Street

Rhode Street

Richard Street

Rochester Road to its junction with New  
Street

Rome Terrace

## **Cumulative Impact Policy 2**

### **Gillingham High Street**

#### **Evidence summary**

- Gillingham High Street and the surrounding area suffers from widespread multiple deprivation.
- Evidence shows this area has unacceptably high rates of
  - Alcohol related crime and disorder, with Gillingham High Street and surrounding areas showing as a hot spot for the following
    - Anti social behaviour
    - Domestic abuse
    - Criminal damage
    - Assault
    - Public order
    - Arrests for
      - drunk and disorderly
      - public order offences
  - Alcohol related hospital admissions
    - Both Gillingham North and South wards have some of the highest rates of alcohol related hospital admissions.
  - Alcohol related ambulance callouts
    - Both Gillingham wards are in the top 4 wards in Medway from 2011 onwards for ambulance callouts where alcohol has been deemed to be a contributory factor.
  - Medway Hospital A&E assault data
    - Gillingham High Street is a hot spot location for assaults reported at Medway A&E
  - Gillingham High Street and surrounding areas have particular problems with street drinking and associated nuisance, such as begging, intimidating behaviour, and litter.
- The Community Safety Unit identified issues around the availability and consumption of high strength cheap beer and cider linked to health issues, public nuisance, anti social behaviour and crime.
- All respondents to a community questionnaire felt licensed premises in this area contribute towards alcohol related issues, and that customers from licensed premises contribute to problems of public nuisance and public nuisance. Nightclubs, pubs and off licensed premises were identified as contributing to alcohol related problems.

- The evidence considered by the Licensing and Safety Committee on the 8th March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- Cumulative Impact Policy 2 will apply to the following applications
  - New premises licence applications
  - Material variations for existing premises licences
  - Provisional statements for premises licences

for the sale of alcohol for consumption on or off the premises, or both.

### **Gillingham High Street area overview and policy aims**

- Gillingham is the second largest centre in Medway after Chatham. It primarily serves the local community, which makes up a substantial part of Medway. It has good sports and leisure facilities, with Gillingham Football Club to the east of the CIP area, and a large leisure and sports facility to the west. There is also access to large areas of green space, particularly the Great Lines Heritage Park.
- Residents live in many of the roads and streets within the CIP area, which also link the High Street to the nearby residential areas, both north and south of the High Street. The area surrounding the High Street is one of the most densely residential areas in Medway. Kent Police and Gillingham residents have evidenced alcohol related crime, disorder and nuisance associated with both day time alcohol misuse and the night time economy. Where its discretion is engaged the Licensing Authority regards the prevention of public nuisance, crime and disorder to residents as a material consideration in any application.
- The Universities at Medway complex is within walking distance and there is a large student population, some of whom live in student accommodation in and around the High Street, within the CIP area.
- While there are cafes and restaurants, these tend towards being value for money and fast food type outlets. There are pubs and a few late night venues in the area but the traditional, small community pub has seen a real decline in recent years. Kent Police and Gillingham residents have evidenced alcohol related crime, disorder and nuisance associated with the night time economy.
- There has been a growth of off licensed premises in the CIP and surrounding area, most of which are small convenience stores, corner shops and newsagents. The High St and surrounding area has the most concentration of off licenced premises in Medway. Many of these sell products which are termed as 'super strength' beer and cider i.e. cheap beer and cider products over 6.5% ABV, making cheap, high strength alcohol readily available. Responsible authorities, other agencies, residents

and businesses in Gillingham have provided evidence showing the number of off licensed premises has led, in part, to issues of street drinking and associated crime, disorder and nuisance as well as other, more hidden alcohol related harms, such as domestic abuse and health harms.

- Surveys of Gillingham town centre have identified there is a need for new and complementary leisure premises to expand the offer in and around this area and to grow the early evening economy. The Licensing Authority wants to support and encourage businesses which support the local economy, without adding to the issues outlined in the evidence above, encouraging visitors and increasing dwell time, growing local spend and improving the economic health of Gillingham town centre.
- Notwithstanding the existence of the CIP, the Licensing Authority is supportive of applications which will positively benefit the town centre in line with the aspirations outlined above. The key aim in Gillingham Town Centre is to encourage and expand the leisure offer, with the intention of providing venues which are attractive to all age groups and a diversity of licensed premises in both the day and evening economy including:
  - Restaurants and cafes, with an emphasis on:
    - Good quality, family friendly venues
  - Community and arts venues
  - Venues which complement and enhance Medway's heritage
  - Premises where the sale of alcohol is ancillary to the main business
- This is a less restrictive approach than is suggested in the Statutory Guidance, which suggests that Licensing Authorities can adopt a policy of refusing all new licences in areas where special policies on cumulative impact apply, subject to their discretion being engaged.

## Gillingham High Street CIP area map



### List of roads included in the Gillingham High Street CIP.

Addresses on both sides of all roads shown in the above map are included in the CIP unless otherwise stated.

While every effort has been made to include all roads within the above CIP area, there may be omissions, errors or additions due to ongoing development, and the following list is only intended as a guide. The area delineated above is the area covered by the CIP and it is the applicant's responsibility to confirm the location of their premises.

A231 from Jeffrey Street to Duncan Road  
Balmoral Road from Duncan Road to  
Trafalgar Street  
Britton Street  
Canterbury Street from Skinner Street to  
junction with Gillingham Road  
Connaught Road  
Cross Street between James Street and  
Gardiner Street  
Dawes Street  
Duncan Road  
Edinburgh Road  
Gardiner Street to the junction with  
Saunders Street  
Gillingham Road from Ingram Road to  
Nelson Road  
Green Street  
High Street  
Ingram Road from Cavendish Avenue to  
Gillingham Road

James Street  
Jeffery Street between the High Street  
and the A231  
King Street  
Lawrence Street  
Lock Street  
Marlborough Road from High Street to  
Paget Street  
Osborne Road  
Paget Street  
Randolph Road  
Saunders Street  
Saxton Street from High Street to Paget  
Street  
Skinner Street from Jeffery Street to  
Canterbury Street  
Theodore Place  
Trafalgar Street  
Victoria Street



## **Cumulative Impact Policy 3**

### **Luton Road and Chatham Central area**

#### **Evidence summary**

- The Luton and Wayfield and Chatham Central wards suffer from widespread multiple deprivation. There are areas within these wards that are some of the most deprived for crime deprivation in the country.
- Evidence shows this CIP area has unacceptably high rates of
  - Alcohol related crime and disorder, with Luton Road and surrounding areas showing as a hot spot for the following
    - Anti social behaviour
    - Domestic abuse
    - Criminal damage
  - Alcohol related hospital admissions
    - Luton and Wayfield and Chatham Central wards have some of the highest rates of alcohol related hospital admissions.
  - Alcohol related ambulance callouts
    - Luton and Wayfield and Chatham Central are in the top 6 wards in Medway from 2011 onwards for ambulance callouts where alcohol has been deemed to be a contributory factor.
  - Luton Road and surrounding areas have particular problems with street drinking and associated nuisance, such as intimidating behaviour, litter and public urination and defecation.
- The Community Safety Unit identified issues around the availability and consumption of high strength cheap beer and cider linked to health issues, public nuisance, anti social behaviour and crime.
- A majority of respondents to a community questionnaire felt licensed premises in this area contribute towards alcohol related issues, and that customers from licensed premises contribute to problems of public nuisance and issues with children. Off licensed premises were identified by all respondents as contributing to alcohol related problems.
- The evidence considered by the Licensing and Safety Committee on the 8<sup>th</sup> March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- Cumulative Impact Policy 3 will apply to the following applications
  - New premises licence applications
  - Material variations for existing premises licences

- Provisional statements for premises licences

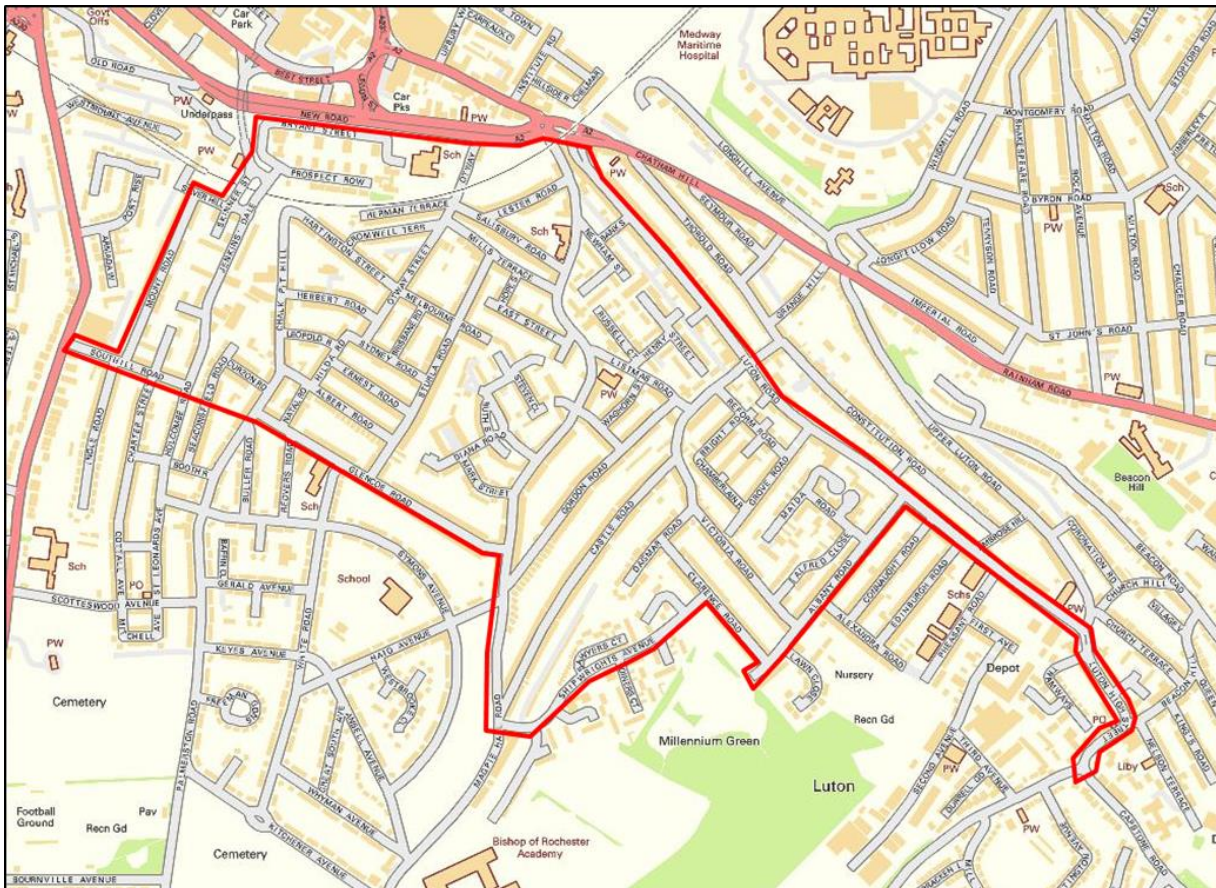
for the sale of alcohol for consumption off the premises.

### **Luton and Chatham Central area overview and policy aims**

- This is a densely populated area of Medway with many houses of multiple occupation, poor quality housing stock and many social and health issues.
- There has been a growth of off licensed premises in the CIP, and surrounding, area, all of which are small convenience stores, corner shops and newsagents. The general availability of alcohol, including the products known as 'super strength' beer and cider i.e. cheap beer and cider products over 6.5% ABV, is a real concern. The number of premises makes cheap alcohol, particularly high strength products, readily available. Responsible authorities, other agencies and residents in the area have provided evidence showing the number of off licensed premises has led, in part, to issues of street drinking and associated crime, disorder and nuisance as well as other, more hidden alcohol related harms, such as domestic abuse and health harms. Where its discretion is engaged the Licensing Authority regards the prevention of public nuisance, crime and disorder to residents as a material consideration in any application.
- Residents have expressed their aspirations for the area in terms of an improved mix of retail businesses, which do not rely on the sale of alcohol, including access to affordable fresh food and groceries and good quality cafes. They have also expressed a wish to see a good use of community space, both indoors and outside, with heritage properties restored and well used.
- Notwithstanding the existence of the CIP, the Licensing Authority is supportive of applications which will positively benefit this area in line with the aspirations outlined above. The key aim in Luton and Chatham Central is to encourage and expand the local retail and community offer, with the intention of providing venues which are attractive to all age groups and a diversity of licensed premises primarily for use in the day time economy:
  - Cafes, with an emphasis on:
    - Good quality, family friendly venues
  - Community and arts venues
  - Venues which complement and enhance Medway's heritage
  - Premises where the sale of alcohol is ancillary to the main business



## Luton Road and Chatham Central CIP area map



### List of roads included in the Luton Road and Chatham Central CIP.

Addresses on both sides of all roads shown in the above map are included in the CIP unless otherwise stated.

While every effort has been made to include all roads within the above CIP area, there may be omissions, errors or additions due to ongoing development, and the following list is only intended as a guide. The area delineated above is the area covered by the CIP and it is the applicant's responsibility to confirm the location of their premises.

- |                                    |  |
|------------------------------------|--|
| Albany Road                        | Bryant Street                            |
| Albert Road                        | Castle Road                              |
| Alfred Close                       | Chalk Pit Hill                           |
| Bank Street                        | Charter Street between Warner Street and |
| Beaconsfield Road from footpath to | Southhill Road                           |
| Holcombe Road to Curzon Road       | Christopher Close                        |

Claremont Way  
Clarence Road  
Cromwell Terrace  
Curzon Road  
Diana Road  
East Street  
Edward Street  
Ernest Road  
Glencoe Road  
Gordon Road  
Hannah Close  
Hare Street  
Hartington Street  
Henry Street  
Herbert Road  
Herman Terrace  
Holcombe Road between Jenkin's Dale to  
Southill Road  
Hope Street  
Jenkin's Dale  
Leopold Road  
Lester Road  
Listmas Road  
Luton High Street  
Luton Road  
Magpie Hall Road between the A2 and  
Shipwrights Avenue  
Maida Road  
Mark Street  
Mary Court  
Mills Terrace  
Mount Road  
Natal Road  
Newnham Street  
Oliver Close  
Otway Street  
Otway Terrace  
Palmerston Road from Albert Road to  
Glencoe Road  
Portland Street  
Prospect Row  
Russell Court  
Ruth Street  
Salisbury Road  
Sawyers Close  
Shipwrights Avenue  
Short Street  
Silver Hill  
Skinner Street  
Southill Road  
Stevens Close  
Sturla Road  
Sydney Road  
Victoria Road  
Waghorn Street  
Warner Street

## **Cumulative Impact Policy 4.**

### **Rochester High Street**

#### **Evidence summary**

- Rochester High Street and the surrounding area is not the most deprived part of Medway, but for crime deprivation it ranks as 530 nationally, out of 32 844 areas, where 1 is the most deprived.
  - Evidence shows this area has unacceptably high rates of
    - Alcohol related crime and disorder, with Rochester High Street and surrounding areas showing as a hot spot for the following
      - Anti social behaviour
      - Assaults
      - Arrests for
        - drunk and disorderly
        - public order
      - Domestic abuse
    - Alcohol related hospital admissions
      - Part of Rochester East ward, known as Troy Town, has some of the highest rates of alcohol related hospital admissions
    - Alcohol related ambulance callouts
      - Rochester East and West wards have been in the top 8 wards in Medway between 2011 and 2015 for ambulance callouts identified as having alcohol as a contributory factor.
    - Medway Hospital A&E assault data
      - Rochester High Street is shown as a hot spot for assaults reported by persons attending Medway A&E.
    - Rochester High Street and surrounding areas have problems with street drinking and associated nuisance, such as begging, intimidating behaviour, litter and public urination and defecating.
  - The Community Safety Unit identified issues around the availability and consumption of high strength cheap beer and cider linked to health issues, public nuisance, anti social behaviour and crime. Rochester High Street has been identified as the main focus of partnership activity for tackling anti social behaviour relating to the night time economy.
  - The majority of respondents to a community questionnaire felt licensed premises in this area contribute towards alcohol related issues. The main concerns were with alcohol related crime and disorder and public nuisance. The main focus was on the night time economy, although problems were identified with begging and intimidating behaviour of street drinkers during the day. The majority identified pubs/bars and nightclubs as being associated with the most problems, followed by
-

off licences. The majority of respondents felt the number of licensed premises in the area contribute to alcohol related problems.

- The evidence considered by the Licensing and Safety Committee on the 8th March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- Cumulative Impact Policy 4 will apply to the following applications
  - New premises licence applications
  - Material variations for existing premises licences
  - Provisional statements for premises licences

for the sale of alcohol for consumption on or off the premises, or both.

### **Rochester High Street area overview and policy aims**

- Rochester is unique due to its historic setting. It is the location of extensive heritage assets, such as Rochester Cathedral, Rochester Castle and The Guild Hall. As a result it attracts many tourists, visitors and business travellers and the Licensing Authority want to support and encourage businesses which complement and support these assets, increasing dwell time, growing local spend and improving the economic health of the city centre.
- Rochester High Street is also a mixed use area, with many residential, as well as commercial, properties. There are nearly 500 residents who live in the High Street and the roads, streets and alleyways linking the city centre to the nearby residential areas.
- The offer in the High Street has evolved to support the historic attractions through the provision of commercial leisure (restaurants and cafes), reinforcing its attractiveness for day and evening activities. There are several pubs and late night venues and it has the primary late night economy in Medway.
- There are also several off licences, all of which are small convenience stores, corner shops and newsagents. Many of these sell products which are termed as 'super strength' beer and cider i.e. cheap beer and cider products over 6.5% ABV, making cheap, high strength alcohol readily available. Responsible authorities, other agencies, residents and businesses in Rochester have provided evidence showing the number of off licensed premises has led, in part, to issues of street drinking and associated crime, disorder and nuisance as well as other, more hidden alcohol related harms, such as domestic abuse and health harms. Kent Police and Rochester residents have evidenced alcohol related crime, disorder and nuisance associated with both day time alcohol misuse and the night time economy.

- A new railway station has been built, creating a sense of arrival for visitors, improving transport links and further supporting Rochester, and Medway, as a leisure destination focussed around its heritage assets.
- Rochester Riverside, just outside of the CIP area, situated between the river and Corporation Street, will provide a quality waterfront location for homes, leisure, jobs and services, complementing and respecting, the unique historic High Street.
- Rochester has an established reputation for street festivals in the High Street area, such as the Sweeps Festival and the Dickens Festival, as well as open air concerts and events in the Castle grounds. There is also an award winning visitor's centre and extensive parking.
- There is potential to increase both visitor numbers and local engagement and raise Medway's image as a tourist destination by enhancing and strengthening the above offer by encouraging a range of diverse venues and promoting hotel development to ensure Medway becomes a strong weekend break destination. A successful Rochester High Street should provide a range of accessible services and facilities and also contribute to the image of Medway, as the place which many visitors first see when they arrive in the area.
- Notwithstanding the existence of the CIP, members are supportive of applications which will positively benefit the High Street in line with the aspirations outlined above. The kind of applications which would be encouraged are family friendly venues, such as restaurants, community venues and other leisure businesses where the sale of alcohol is ancillary to the main activity.
- The key aim in Rochester High Street is to encourage and expand the leisure, tourism and business visitor offer, with the intention of providing premises attractive to all age groups and a diversity of licensed premises primarily centred on the day and early evening economy including:
  - Restaurants and cafes, with an emphasis on:
    - Good quality, family friendly venues
  - Premises where the sale of alcohol is ancillary to the main business, such as
    - Exhibition and art venues
    - Theatres and cinemas
    - Hotels
    - Venues which complement and enhance Medway's heritage
- This is a less restrictive approach than is suggested in the Statutory Guidance, which suggests that Licensing Authorities can adopt a policy of refusing all new licences in



areas where special policies on cumulative impact apply, subject to their discretion being engaged.

**Rochester High St CIP area map**



**List of roads included in the Rochester High Street CIP.**

Addresses on both sides of all roads shown in the above map are included in the CIP unless otherwise stated.

While every effort has been made to include all roads within the above CIP area, there may be omissions, errors or additions due to ongoing development, and the following list is only intended as a guide. The area delineated above is the area covered by the CIP and it is the applicant’s responsibility to confirm the location of their premises.

- |                |                    |
|----------------|--------------------|
| Almon Place    | Cazeneuve Street   |
| Bishops Walk   | Corporation Street |
| Blue Boar Lane | Crow Lane          |

Davey Court

East Row

Eastgate

Eastgate Terrace

Gravel Walk

High Street to the junction with Nags  
Head Lane

La Providence

Maidstone Road from East Row to King  
Street

Northgate

Star Hill from Corporation Street to King  
Street

The Terrace

Union Street

Victoria Street

DRAFT

## **Stress Area Policy 1**

### **Strood Town Centre Stress area**

#### **Evidence summary**

- This area is not the most deprived area in Medway but fair poorly for crime deprivation.
- Evidence shows this area has concerning rates of
  - Alcohol related crime and disorder, with Strood Town Centre and surrounding areas having issues with the following
    - Anti social behaviour
    - Assaults
    - Criminal damage
    - Domestic abuse
  - Alcohol related hospital admissions
    - Strood North ward has some of the highest rates of alcohol related hospital admissions in Medway
  - Alcohol related ambulance callouts
    - Strood North ward has been in the top 7 or 8 wards in Medway for the number of ambulance callouts where alcohol has been deemed to be a contributory factor
  - Strood Town centre has problems with street drinking and associated nuisance, such as begging, intimidating behaviour, litter and public urination and defecating.
- The Community Safety Unit identified issues around the availability and consumption of high strength cheap beer and cider linked to health issues, public nuisance, anti social behaviour and crime.
- The evidence considered by the Licensing and Safety Committee on the 8<sup>th</sup> March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- Stress Area Policy 3 will apply to the following applications
  - New premises licence applications
  - Material variations for existing premises licences
  - Provisional statements for premises licences

for the sale of alcohol for consumption off the premises.



## **Strood Town Centre overview and policy aims**

- The evidence and policy aims of CIP 4 are relevant to this policy document, and should be read in conjunction with it. Pedestrians using Rochester Bridge linking Rochester city centre and Strood town centre take a few minutes walk to walk between the two, and alcohol can easily be purchased in one area and consumed in the other. This makes the issues of dispersal and displacement from one area to the other a concern for the Licensing Authority.
- Strood acts as a gateway to Medway but is primarily a convenience retail destination with a strong local function, with Strood Retail Park, and the district centre around a traditional High Street serving the local community. Although it provides everyday basic needs, the general quality of the town centre environment is currently poor.
- Both Strood Riverside and Temple Waterfront development sites are close to Strood Town Centre and it is intended, in Medway's regeneration policies, these will be established as areas for both employment and residential use. Strood town centre will be within easy walking distance of both developments.
- There is currently little leisure provision in this area.
- Rochester, which has developed a number of niche markets around arts and tourist related uses, is located within 5 - 10 minutes walk of Strood town centre. This area is characterised by a high proportion of pubs, bars and restaurants and it has a vibrant evening economy. There is a CIP in place for Rochester City Centre and the Licensing Authority has concerns around the dispersal and displacement of alcohol related issues between the two centres.
- In Medway it has been identified that local centres are valued by communities for a range of retail services and community facilities, such as libraries. The Licensing Authority support the social dimension of sustainable development by ensuring local services reflect the community's needs, and it wants to support a strategy in Strood town centre which sees a high quality built environment supporting the local community by providing a strong and healthy town centre.
- Notwithstanding the existence of the stress area policy, members are supportive of applications which will positively benefit Strood town centre in line with the aspirations outlined above and will not add to the alcohol related harms outlined in the evidence which gave rise to this policy.

## **Suggested measures**

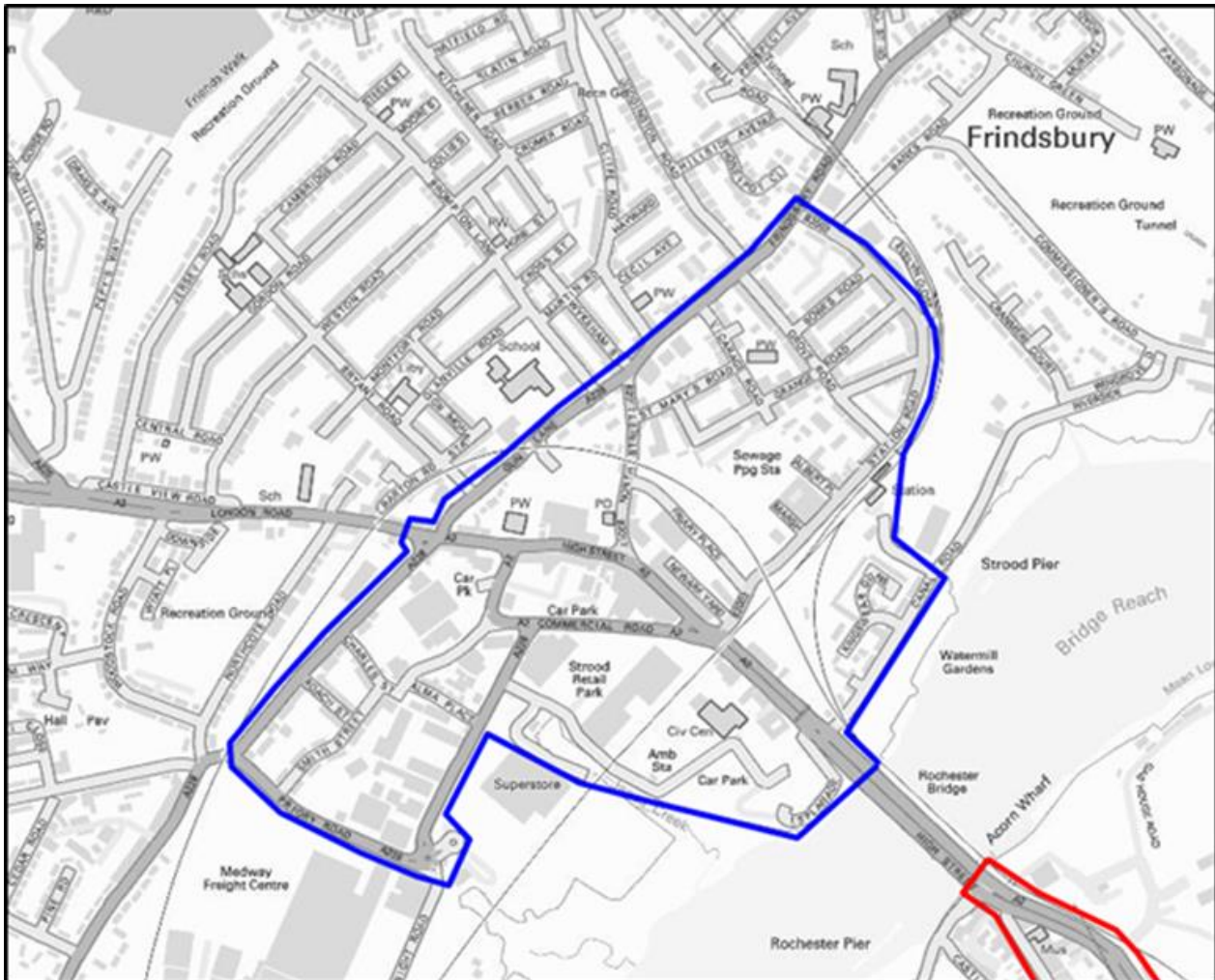
- As outlined in the Statutory Guidance the Licensing Authority recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables

the council, responsible authorities and other persons to assess how they will seek to promote the licensing objectives in this area. Risk assessments will vary according to the nature of the business, and it is for applicants to decide what is appropriate in each case.

- The risk assessment should contain many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The risk assessment approach will reduce the possibilities of representations.
- The Licensing Authority recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.
- While it is a matter for each applicant, the Licensing Authority strongly recommends that all issues identified in this and the surrounding area are addressed when completing their risk assessment.
- The Licensing Authority, having accepted the evidence of alcohol related problems in this area, encourages applicants for the sale of alcohol off the premises to consider the following measures
  - Hours of operation
    - Off licensed premises - 0900 – 2300
  - Installation of CCTV to a standard acceptable to Kent Police
  - Challenge 25 policy
  - Documented refusals system
  - Documented staff training, and retraining, including under age sales, proxy sales and drunkenness
  - Minimum staffing levels
  - Membership of the Safer Medway Partnership
  - Restrictions on high strength beers, lagers and ciders
  - A clear glazing policy to allow for a clear and unobstructed view to the front of the premises

- No sale of single cans of beer, lager or cider
- Defined display areas
- Monitoring of litter in immediate area

### Strood stress area map



#### List of roads included in the Strood Town Centre SAP.

Addresses on both sides of all roads shown in the above map are included in the SAP unless otherwise stated.

While every effort has been made to include all roads within the above SAP area, there may be omissions, errors or additions due to ongoing development, and the following list is only intended as a guide. The area delineated above is the area covered by the SAP and it is the applicant's responsibility to confirm the location of their premises.

Albert Place

Alma Place

Bowes Road

Burgess Road

Canal Road

Charles Street

Commercial Road

Cuxton Road between Gun Lane and  
Priory Road

Doggett's Square

Edward Street

Esplanade

Frindsbury Road between Station Road  
and North Street

Friary Place

Grange Road

Grove Road

Gun Lane

High Street between Rochester Bridge and  
Gun Lane/Cuxton Road

Knight Road

Marsh Street

Newark Yard

North Street

Priory Road

Roach Street

Smith Street

South Eastern Road

St Mary's Road

Station Road

Vicarage Road

Victoria Street

## **Stress Area Policy 2**

### **Chatham High Street, Rochester High Street and A2 Stress area**

#### **Evidence summary**

- This is one of the most deprived areas in Medway.
- Evidence shows this area has concerning rates of
  - Alcohol related crime and disorder, with both Chatham and Rochester, and surrounding areas, having issues with the following
    - Anti social behaviour
    - Assaults
    - Criminal damage
    - Public order
    - Sexual offences
  - Alcohol related hospital admissions
    - River ward has some of the highest rates of alcohol related hospital admissions in Medway
  - Alcohol related ambulance callouts
    - River ward has had the highest number of ambulance callouts where alcohol has been deemed to be a contributory factor, in Medway since 2011.
  - Both Chatham and Rochester High Streets, and this connecting 'corridor' between the two, have problems with street drinking and associated nuisance, such as begging, intimidating behaviour, litter and public urination and defecating.
- The Community Safety Unit identified issues around the availability and consumption of high strength cheap beer and cider linked to health issues, public nuisance, anti social behaviour and crime.
- In Chatham all respondents to a community questionnaire felt licensed premises in this area contribute towards alcohol related issues, and that customers from licensed premises contribute to problems of public nuisance and public safety. The majority identified off licences as the main concern, followed by pubs and bars. All respondents felt the number of licensed premises in the area contribute to alcohol related problems.
- In Rochester the majority of respondents to a community questionnaire felt licensed premises in this area contribute towards alcohol related issues. The main concerns were with alcohol related crime and disorder and public nuisance. The main focus was on the night time economy, although problems were identified with begging and

intimidating behaviour of street drinkers during the day. The majority identified pubs/bars and nightclubs as being associated with the most problems, followed by off licences. The majority of respondents felt the number of licensed premises in the area contribute to alcohol related problems.

- The evidence considered by the Licensing and Safety Committee on the 8th March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- Stress Area Policy 2 will apply to the following applications
  - New premises licence applications
  - Material variations for existing premises licences
  - Provisional statements for premises licences

for the sale of alcohol for consumption on or off the premises or both.

### **Area overview and policy aims**

- The evidence and policy aims of CIP 1 and CIP 4 are relevant to this policy document, and should be read in conjunction with it, as this area acts as a 'corridor' between Rochester and Chatham High Streets. Pedestrians are able to walk between the two centres in 10 to 15 minutes. The A2, which runs parallel to the High Street, is similar.
- There are several cafes and restaurants along this section of the High Street, as well as several 'micropubs' and larger, more traditional, public houses. Along the A2 there is a night club, fitness and health club with a bar and a hotel. There are no off licences in the defined area.
- This is a mixed use area, with residential properties as well as business and retail outlets. Where its discretion is engaged the Licensing Authority regards the prevention of public nuisance, crime and disorder to residents as a material consideration in any application.
- Communities value a range of retail and leisure services and community facilities. The Licensing Authority wants to ensure local services reflect the community's needs, and to support a strategy which sees a strong, vibrant and healthy community.
- Notwithstanding the existence of the stress area policy, members are supportive of applications which will positively benefit the area between Rochester and Chatham in line with the aspirations outlined above.

### **Suggested measures**

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- As outlined in the Statutory Guidance the Licensing Authority recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the council, responsible authorities and other persons to assess how they will seek to promote the licensing objectives. Risk assessments will vary according to the nature of the business, and it is for applicants to decide what is appropriate in each case.
- The risk assessment should contain many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The risk assessment approach will reduce the possibilities of representations.
- The Licensing Authority recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.
- While it is a matter for each applicant, the Licensing Authority strongly recommends that all issues identified in this and the surrounding area highlighted in the evidence at the above link is addressed when completing their risk assessment.
- The Licensing Authority, having accepted the evidence of alcohol related problems in this area, encourages applicants for the sale of alcohol to consider the following measures.
  - Both on and off licenced premises
    - Hours of operation
      - On licenced premises – 0900 – 2300 for Sunday to Thursday  
0900 – Midnight for Friday and Saturday
      - Off licenced premises - 0900 – 2300
    - Installation of CCTV to a standard acceptable to Kent Police
    - Challenge 25 policy
    - Documented refusals system
    - Documented staff training, and retraining, including under age sales, proxy sales and drunkenness
    - Membership of the Safer Medway Partnership



- Minimum staffing levels
- On licenced premises
  - Substantial food will be available at all time
  - Control of noise including
    - music and accompanying singing
    - human voices from customers, particularly when entering and exiting the premises and when gathering in open areas outside the premises
- Off licenced premises
  - Restrictions on high strength beers, lagers and ciders, with no sales above 6.5% ABV
  - A clear glazing policy to the front of the premises to allow for a clear and unobstructed view to the street
  - No sale of single cans of beer, lager or cider
  - Defined display areas
  - Monitoring of litter in immediate area

### Stress area map





**List of roads included in the Chatham High Street, Rochester High Street and A2 Stress area.**

Addresses on both sides of all roads shown in the above map are included in the SAP unless otherwise stated.

While every effort has been made to include all roads within the above SAP area, there may be omissions, errors or additions due to ongoing development, and the following list is only intended as a guide. The area delineated above is the area covered by the SAP and it is the applicant's responsibility to confirm the location of their premises.

High Street between Gundulph Road and Nags Head Lane

A2, New Road between Manor Road and Star Hill

### **Stress Area Policy 3**

#### **Gillingham South Stress area**

##### **Evidence summary**

- This is one of the most deprived areas in Medway.
- Evidence shows this area has concerning rates of
  - Alcohol related crime and disorder, with Gillingham High Street and Canterbury Street having issues with the following
    - Anti social behaviour
    - Criminal damage
    - Public order
    - Sexual offences
    - Domestic Abuse
  - Alcohol related hospital admissions
  - Alcohol related ambulance callouts
    - Since 2012 Gillingham South has had the second highest number of ambulance callouts where alcohol has been deemed to be a contributory factor.
- The Community Safety Unit identified issues around the availability and consumption of high strength cheap beer and cider linked to health issues, public nuisance, anti social behaviour and crime.
- The evidence considered by the Licensing and Safety Committee on the 8th March 2017 supporting this decision can be found at <https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- Stress Area Policy 3 will apply to the following applications
  - New premises licence applications
  - Material variations for existing premises licences
  - Provisional statements for premises licences

for the sale of alcohol for consumption off the premises.

## **Area overview and policy aims**

- The evidence and policy aims of CIP 2 are relevant to this policy document, and should be read in conjunction with it, as this area is immediately to the south of the Gillingham CIP area, with some of the CIP area extending into the SAP area. This makes the issue of dispersal and displacement a material concern for the Licensing Authority.
- There has been a growth of off licensed premises in Gillingham, most of which are small convenience stores, corner shops and newsagents. Gillingham High Street and surrounding area has the highest concentration of off licenced premises in Medway. Many of these sell products which are termed as 'super strength' beer and cider i.e. cheap beer and cider products over 6.5% ABV, making cheap, high strength alcohol readily available. Responsible authorities, other agencies, residents and businesses in Gillingham have provided evidence showing the number of off licensed premises has led, in part, to issues of street drinking and associated crime, disorder and nuisance as well as other, more hidden alcohol related harms, such as domestic abuse and health harms.
- This is predominately a residential area with the policy boundary running around the perimeter of the hospital. Where its discretion is engaged the Licensing Authority regards the prevention of public nuisance, crime and disorder to residents as a material consideration in any application.
- Communities value a range of retail and community facilities. The Licensing Authority wants to ensure local services reflect the community's needs, and to support a strategy which sees a strong and healthy retail offer.
- Notwithstanding the existence of the stress area policy, members are supportive of applications which will positively benefit the area in Gillingham South.

## **Issues to address**

- As outlined in the Statutory Guidance the Licensing Authority recommends that applicants complete a risk assessment of their business in order to understand what steps are required to complete the operating schedule in a manner which enables the council, responsible authorities and other persons to assess how they will seek to promote the licensing objectives. Risk assessments will vary according to the nature of the business, and it is for applicants to decide what is appropriate in each case.
- The risk assessment should contain many of the key factors which the responsible authorities will be expecting applicants to meet in order to fulfil the licensing objectives. The risk assessment approach will reduce the possibilities of representations.

- The Licensing Authority recognises that it cannot insist on a risk assessment. However an applicant who decides not to complete or provide a risk assessment may face representations and the expense of hearings as a result. If a risk assessment is not completed then applicants will need to demonstrate how these matters have been addressed through the operating schedule provided.
- While it is a matter for each applicant, the Licensing Authority strongly recommends that all issues identified in this and the surrounding area highlighted in the evidence at the above link is addressed when completing their risk assessment.
- The Licensing Authority, having accepted the evidence of alcohol related problems in this area, encourages applicants for the sale of alcohol for consumption off the premises to consider the following measures.
  - Hours of operation
    - Off licensed premises - 0900 – 2300
  - Installation of CCTV to a standard acceptable to Kent Police
  - Challenge 25 policy
  - Documented refusals procedure
  - Documented staff training, and retraining, including under age sales, proxy sales and drunkenness
  - Membership of the Safer Medway Partnership
  - Restrictions on high strength beers, lagers and ciders, with no sales above 6.5% ABV
  - A clear glazing policy to the front of the premises to allow for a clear and unobstructed view to the street
  - No sale of single cans of beer, lager or cider
  - Defined display areas
  - Monitor litter in the immediate area



**Gillingham South stress area map**

**List of roads included in the Gillingham South SAP area.**

Addresses on both sides of all roads shown in the above map are included in the CIP unless otherwise stated.

While every effort has been made to include all roads within the above CIP area, there may be omissions, errors or additions due to ongoing development, and the following list is only intended as a guide. The area delineated above is the area covered by the CIP and it is the applicant’s responsibility to confirm the location of their premises.

- |   |   |
|---|---|
| Adelaide Road                                     | College Avenue  |
| Albert Road                                       | Copenhagen Road                                       |
| Belmont Road                                      | Frederick Road  |
| Britton Street south of Paget Street              | Gillingham Road from Nelson Road to Canterbury Street |
| Byron Road  | Jeyes Road  |
| Canterbury Street from Nelson Road to Rock Avenue |   |

Longfellow Road  
Marlborough Road from York Avenue to Paget Street  
May Road  
Milton Road from Rock Avenue to Byron Road  
Montgomery Road  
Nelson Road from Gillingham Road to St John's Road  
Nile Road  
Pretoria Road  
Queen's Road  
Regent Road  
Rock Avenue from Canterbury Street to Byron Road  
Saxton Street from Stafford Street to Paget Street  
Seaview Road  
Shakespeare Road from Rock Avenue to Byron Road  
Stopford Road  
Vicarage Road  
Waterloo Road  
Wellington Road  
Windmill Road from Canterbury Street to Byron Road  
York Avenue

**Introduction**

Guidance on mandatory conditions can be found in the Section 182 Guidance, which can be found at the following link

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/627825/revISED\\_182\\_guidance\\_05\\_04\\_17.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/627825/revISED_182_guidance_05_04_17.pdf)

In addition Specific Government Guidance on Mandatory Conditions can be found at the following link

<https://www.gov.uk/government/publications/guidance-on-mandatory-licensing-conditions>

It is the responsibility of the premises licence holder, club premises certificate holder and/or the responsible person to make sure they are fully conversant with all relevant legislation and policy. The above links are provided for information only and the Authority is not responsible for their accuracy.

**Mandatory Conditions**

It is the responsibility of the premises licence holder, club premises certificate holder and responsible person to ensure they comply with the mandatory conditions.

These conditions apply to all premises licences and club premises certificates which authorise the supply of alcohol for consumption on and off the premises, has films as an activity on their licence or are required to have door staff or security.

Where alcohol may be supplied for consumption both on and off the premises, the licensee must adhere to the conditions given for consumption on the premises

This document contains four sets of conditions:

1. Conditions where alcohol may be supplied for consumption on the premises
2. Conditions where alcohol may be supplied for consumption off the premises
3. Conditions for door supervision - except theatres, cinemas and bingo halls
4. Conditions for films



## **1. Mandatory conditions for the supply of alcohol consumed on the premises**

1. No supply of Alcohol may be made under the Premises Licence
    - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
    - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence is suspended.
  2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
  3.
    - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
    - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
      - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to
        - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
        - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise)
      - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
      - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
      - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
      - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
  4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
-



5. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

6. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

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

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

7. 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

**Notes:**

1. For the purposes of the condition set out above

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted" price is the price found by applying the formula -  $P=D+(D \times V)$  where:

- (i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(2).

2. Where the permitted price given by Paragraph (b) of paragraph 1 above is not a whole number of pennies, the price shall be taken to be the price rounded up to the nearest penny.
3. Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.

## **2. Mandatory conditions for the supply of alcohol consumed off the premises**

1. No supply of Alcohol may be made under the Premises Licence:
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

  - (a) a holographic mark, or
  - (b) an ultraviolet feature.
4. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

### **Notes**

1. For the purposes of the condition set out above
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
  - (b) "permitted" price is the price found by applying the formula -  $P=D+(D \times V)$  where:
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(2).
2. Where the permitted price given by Paragraph (b) of paragraph 1 above is not a whole number of pennies, the price shall be taken to be the price rounded up to the nearest penny.
  3. Where there is a change to the rate of duty or VAT applying to alcohol (for instance, following a Budget), the relevant person should ensure that the permitted price reflects the new rates within fourteen days of the introduction of the new rate.

### **3. Mandatory conditions for Door Supervision - except theatres, cinemas and bingo halls**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of section 4 of the Act.

#### **Notes**

Nothing requires such a condition to be imposed:

- (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
- (b) in respect of premises in relation to:
  - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
  - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (c) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act) and
- (d) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

#### **4. Mandatory conditions for Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where
  - (a) The film classification body is not specified in the licence, or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section "children" means any person aged under 18; and "film classification body" means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

## **Introduction**

- 1.1 The Council has prepared this pool of example conditions in line with the Licensing Act 2003.
- 1.2 Conditions will only be imposed if necessary to promote the licensing objectives and may be adapted to suit the particular case under consideration. Additional conditions will not be imposed where existing legislation and regulation already effectively promote the licensing objectives.
- 1.3 Licensing conditions are added to licence as follows:
  - **Mandatory Conditions** set by Government (cannot be reworded)
  - **Operating Schedule Conditions** will be added from the applicants submission of their operating schedule which may include changes as a result of agreements with responsible authorities or interested parties after mediation (these can be reworded as long as it is consistent with the applicants or responsible authorities submission)
  - **Committee Conditions** can be imposed following a hearing (cannot be reworded)
- 1.4 Each application will be determined on its own merits and under no circumstances is any condition in the 'Suggested Conditions' to be regarded as a standard condition to be automatically imposed in all cases.
- 1.5 This document is designed to provide a guide to the wording of possible conditions drawn from experience relating to differing situations and is to be used as guidance.
- 1.6 Any decision to add a condition to a licence will depend upon a range of factors including the nature and style of the venue, the activities being conducted there, the location of the premises, the anticipated clientele of the business involved and the local knowledge of the premises.

## **Licensing Objectives**

- 1.7 All conditions must relate to the promotions of the licensing objectives. These are:
  - The prevention of crime and disorder
  - Public safety
  - The prevention of public nuisance
  - The protection of children from harm



## **Home Office Guidance**

- 1.8 Guidance is clear that conditions must be appropriate, proportionate and justifiable in order to promote the four licensing objectives. They should be written in a prescriptive worded format, clearly understandable, unambiguous and enforceable.

Avoid wording such as 'may', 'should', 'could', 'reasonable steps', 'regular', 'appropriate time', 'to the satisfaction of responsible authority', 'best endeavours', 'inaudible', 'recommend', 'random', 'as soon as possible'.

Use wording which is precise such as 'must', 'shall' and 'will'.

## **Issues and Factors to Consider**

- 1.9 The following suggestions are not intended to be an exhaustive list and it is essential that, wherever the conditions are used, they must be:

- Specific to the premises
- Not duplicate existing provisions – other legislation
- Be necessary and proportionate (supported by evidence)
- Be capable of being met by the management/staff
- Concern an issue that is in the control or influence of the premises licence holder

## **Operating Schedule**

- 1.10 Any applicant, in preparing an operating schedule, is at liberty to volunteer measures, as a step they intend to take to promote the licensing objectives.

- 1.11 When incorporated into the licence or certificate as a condition, those measures become enforceable under the law and a breach of such a condition could give rise to prosecution. In order to minimise problems and the necessity for hearings, it is sensible for applicants to consult with the responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.

- 1.12 This is not a definitive list of conditions, and applicants may of course offer any conditions they think are appropriate in relation to their premises, to promote the licensing objectives. The conditions have been prefixed and colour coded to identify the licensing objective that they seek to address and make it easier to reference them to Appendix 7 – Good Practice Guide. Some may apply to more than one of the objectives:

C/G	General
C/CD	Crime and Disorder
C/PS	Public Safety
C/PN	Public Nuisance
C/CH	Protection of Children From Harm

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First Aid	C/PS 1
Glass/Bottle Collection	C/PS 2
ID scanning	C/CD 39
Incident log	C/CD40
Large scale events – over 500 people	C/CD 41 – 43
Large scale events – over 500 people - noise	C/PN 4 – 9
Licensable activities ancillary to main function	C/CD 44
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Notices and signage - Noise	C/PN 22 – 23
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Outside Areas – Garden and Patio Areas	C/PN 25 – 27
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Staff Levels	C/CD 51
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Taxis	C/PN 41
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## General

	<b>Suggested wording</b>
	<b>Staff Training</b>
C/G1	<p>All persons who sell or supply alcohol to customers must have licensing training.</p> <ol style="list-style-type: none"><li>1. Training must take place within six weeks of employment</li><li>2. Any new employees will be supervised until the training has taken place.</li><li>3. Refresher training should be repeated a minimum of every six months or earlier if required due to changes of legislation.</li><li>4. Training records must be kept on the premises and shall contain the nature, content and frequency of all training.</li><li>5. Records must be made available for inspection by Police, Police Licensing Officer and authorised officers from Medway Council on demand either electronically or hard copy.</li></ol>

## The Prevention of Crime and Disorder

	<b>Suggested wording</b>
	<b>Admittance and re-admittance</b>
C/CD1	There shall be no admittance or re-admittance to the premises after <i>{time}</i> except for patrons permitted to temporarily leave the premises to smoke.
	<b>Alcohol Authorisation by a Personal Licence Holder</b>
C/CD2	The premises licence holder and/or designated premises supervisor shall ensure that at least one personal licence holder is available on the licensed premises while the sale of alcohol is taking place.
C/CD3	There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
	<b>Alcohol - Restaurant</b>
C/CD4	<p>This premises must only operate as a restaurant in which</p> <ol style="list-style-type: none"> <li>1. Customers are seated at a table</li> <li>2. Which provides substantial table meal, that are served at a table using non disposable cutlery and crockery</li> <li>3. Which do not provide any take away service of food or drink for immediate consumption</li> <li>4. Alcohol must not be sold, supplied or consumed on the premises otherwise than to persons who are partaking of a table meal, and is ancillary to the table meal</li> <li>5. The supply of alcohol is by way of waiter or waitress only</li> </ol>
C/CD5	The supply of alcohol shall be by waiter or waitress service only.
	<b>Alcohol - Strength</b>
C/CD6	No beer, lager, cider or spirit mixer above 5.5% ABV will be sold
C/CD7	No miniature bottles of spirits of 20 cl or below shall be sold from the premises
	<b>Alcohol – off sales (pubs and restaurants)</b>
C/CD8	There shall be no sales of alcohol for consumption off the premises after <i>{time}</i> .
C/CD9	Alcohol sold for consumption outside the premises shall only be to patrons seated at tables

	<b>Alcohol – off sales (shops)</b>
C/CD10	No alcohol will be displayed within { <i>distance</i> } of any access points from the street.
C/CD11	Alcohol to be displayed only on shelving as indicated on the plan.
C/CD12	No alcohol to be displayed or stored on the shop floor.
C/CD13	Spirits will be displayed behind the counter
	<b>Alcohol sales - takeaways</b>
C/CD14	Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to a take-away meal.
C/CD15	Sales of alcohol for consumption off the premises shall only be supplied with a takeaway meal over the value of {£*}
	<b>Alcohol sales – out of permitted hours</b>
C/CD16	Outside the hours authorised for the sale of alcohol, all alcohol within the trading area is to be secured behind locked grills, locked screens or locked cabinet doors.
	<b>Bottles / Glasses</b>
C/CD17	The premises licence holder and designated premises supervisor shall ensure that no customers take drinking glasses or open bottles from the premises.
C/CD18	No customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public
C/CD19	All glass bottled drinks will be decanted into appropriate safe containers.
C/CD20	Drinks shall be served in appropriate polycarbonate, paper or toughened glass containers.
C/CD21	No open drinking vessels or other containers are allowed off the premises with the exception of Medway Council Festivals, between the hours of { <i>time</i> } and { <i>time</i> } when this condition is suspended.
C/CD22	During Medway Council organised festivals and events all alcohol must be

	decanted into plastic drinking vessels or containers.
	<b>CCTV</b>
C/CD23	<p>CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.</p> <ol style="list-style-type: none"> <li>1. Cameras shall encompass all ingress and egress to the premises, fire exits and all areas where the sale and supply of alcohol occurs.</li> <li>2. Equipment must be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, and kept for a period of 31 days and handed to Police on demand.</li> <li>3. The premises licence holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in a recordable format to the Police and Local Authority on demand.</li> <li>4. The recording equipment and discs/tapes shall be kept in a secure environment under the control of the DPS or other responsible named individual.</li> <li>5. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.</li> <li>6. In the event of technical failure of the CCTV equipment the premises licence holder or DPS must report the failure to the Police Licensing Officer immediately (<a href="mailto:licensing.north.division@kent.pnn.police.uk">licensing.north.division@kent.pnn.police.uk</a>)</li> </ol>
	<b>Crime Prevention – cloakroom/toilet attendant</b>
C/CD24	An attendant shall be on duty in the cloakroom during the whole time that it is in use
C/CD25	An attendant shall be on duty in the toilet during {time} on {days}
	<b>Crime Prevention - Notices</b>
C/CD26	The premises licence holder will display suitable notices at the premises warning customers of the prevalence of crime which may target them {for example pick pockets, bag snatchers, spiked drinks} and the need to guard their property and leaving property unattended
	<b>Dispersal policy</b>
C/CD27	<p>The premises shall have a written dispersal policy that outlines the procedure for management, door supervisors and staff. The policy shall contain procedures on</p> <ol style="list-style-type: none"> <li>1. supervising the queue to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet as to not disturb neighbours in the vicinity</li> <li>2. display notices outside where the queue is formed asking them to be quiet or they will be refused entry</li> </ol>

	<ol style="list-style-type: none"> <li>3. display numbers for taxi firms inside</li> <li>4. provide an area inside to enable persons to contact taxi firms in a quiet location rather than go outside</li> <li>5. Move people away from the premises who are standing around talking to others</li> <li>6. procedure on refusing entry or banning those who repeated cause a nuisance by noise and rowdy behaviour</li> <li>7. provide a queuing system in the foyer for those waiting on taxis rather than sending them outside to wait</li> <li>8. no entry to new customers after {time}</li> <li>9. a monitoring system to be implemented with regards to re-entry for customers using the smoking area (such as a wrist band or ultra-violet market).</li> </ol>
	<b>Door Supervisors and their responsibilities</b>
C/CD28	<p>The premises licence holder or DPS shall maintain an accurate and up to date register in respect of all stewards, security staff and door supervisors working at the premises when it is open to the public. The register will comprise of</p> <ol style="list-style-type: none"> <li>1. the name, address, telephone number of the member of staff</li> <li>2. any registration number relating to the steward or door supervisor whether employed directly by the licensee or through an agency</li> <li>3. the name, address and telephone number of the agency providing stewards, security staff or door supervisor where not employed directly by the licensee</li> <li>4. the dates and times of commencement and finishing of work</li> <li>5. signature of the member of staff</li> <li>6. details of any incident in which the member of staff is involved including any calls to the police and any police action taken</li> </ol>
C/CD29	When the premises is open between {time} and {time} on {days} a minimum of {number} of door supervisor(s) must be present at the customer entrance/exit of the premises.
C/CD30	A minimum of {number} door supervisors must be on duty between {time} and {time} on {days}.
C/CD31	<p>There will be a door control policy that outlines clear instruction and understanding of the door supervisors' responsibilities at the premises. This policy will contain</p> <ol style="list-style-type: none"> <li>1. how door staff prevent overcrowding</li> <li>2. supervise the queue to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet as to not disturb neighbours in the vicinity</li> <li>3. A procedure for door staff engaged in searching persons as a condition of</li> </ol>



	<p>entry</p> <ol style="list-style-type: none"> <li>4. to ensure the dispersal of patrons from the curtilage and grounds of the licensed premise immediately after the end of licensable activities</li> <li>5. Prevent patrons from leaving the premises with open containers and bottles</li> <li>6. To provide evidence by written statement to police in any criminal investigation as and when required.</li> </ol>
C/CD32	Door supervisor(s) will be stationed at <i>{location}</i> between <i>{time}</i> and <i>{time}</i> until 30 minutes after closure to assist with dispersal of customers from the premises.
C/CD33	All staff engaged outside the entrance to the premises, or supervising or controlling queues shall wear high visibility jackets or vests.
	<b>Drunkenness</b>
C/CD34	All staff shall be trained in recognising signs of drunkenness, how to refuse service and the premises duty of care. Documented records of completed training shall be kept for each member of staff. Training shall be regularly refreshed at no greater than <i>{**}</i> monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of the Authority.
C/CD35	The premises shall display prominent signage indicating <i>{location}</i> that it is an offence to sell alcohol to anyone who is drunk.
	<b>Drugs / Substance Misuse</b>
C/CD36	The Premises Licence holder shall have a written policy in relation to drugs which will include search, seizure and disposal of drugs and weapons. Staff will be provided with training on the policy, including drugs awareness.
C/CD37	A suitable receptacle for the safe retention of illegal substances will be provided and agreed with Kent Police. Arrangements made for the safe disposal of its contents will be agreed with Kent Police.
C/CD38	Information regarding drugs awareness shall be displayed at the premises
	<b>ID scanning</b>
C/CD39	The premise will have an electronic device capable of scanning photographic identification which must be installed and maintained at the premises. This system must be connected to a database of legitimate identifications and be capable of matching scanned identification with the presenting persons fingerprint, photograph or other means of biometric data. This system will be

	<p>used as a condition of entry for all persons entering the premises whilst licensable activity is taking place, with the exception of on duty staff, on duty emergency service personnel and pre booked entertainment artists. Accepted forms of identification will be passport, photo driving licence, or Proof of Age Standards Scheme (PASS).</p> <p>In all circumstances of a breakdown or fault with the system, the police must be notified immediately and the fault rectified within 48 hours or a replacement would need to be installed/loaned in its place. The police may approve an extension to these timescales where they consider appropriate.</p>
	<b>Incident log</b>
C/CD40	<p>An incident log shall be kept at the premises, and made available on request to a police officer, police licensing officer or council authorised licensing officer. It must be completed within 24 hours of the incident and will record the following:</p> <ol style="list-style-type: none"> <li>1. all crimes reported to the venue</li> <li>2. all ejections of patrons</li> <li>3. any complaints received concerning crime and disorder</li> <li>4. any incidents of disorder</li> <li>5. all seizures of drugs or offensive weapons</li> <li>6. any faults in the CCTV system, searching equipment or scanning equipment</li> <li>7. any refusal of the sale of alcohol</li> <li>8. any visit by a relevant authority or emergency service.</li> </ol>
	<b>Large scale events – over 500 people - general</b>
C/CD41	<p>Premises licence holder or a nominated officer will send a copy of the generic risk assessment relevant to the event proposed no later than 6 weeks prior the commencement of the event to the Licensing Authority, Kent Police, Environmental Health and Health and Safety. Should the responsible authorities determine that the event require additional controls, details must be provided as soon as possible to the relevant authority by the event organiser of the amendments/rectification made to the risk assessment (including a site plan) prior to the commencement of the event.</p>
C/CD42	<p>The maximum number of persons admitted to the premises shall be determined by risk assessment and approval from responsible authorities but under any circumstances will not exceed {number} persons.</p>
C/CD43	<p>Police (Licensing and Events Team) to be notified at Safety Advisory Group of events providing licensable activities at the premises.</p>
	<b>Licensable activities ancillary to main function</b>
C/CD44	<p>The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises as {offices / delicatessen /</p>

	<i>museum / theatre / hairdressers / private hire /other</i> }.
	<b>Searching</b>
C/CD45	A door supervisor will undertake body searches prior to entry to the premises.
C/CD46	There will be at least one male and one female door supervisor available to undertake body searches of the same gender.
C/CD47	Door supervisors will search in accordance with a written procedure agreed with Kent Police. This will include a 'pat down search' and a full bag and pocket search. Those who refuse to be searched will be refused entry
C/CD48	All persons entering or re entering the premises must be searched by a door supervisor
C/CD49	The Licence holder shall erect and maintain clear and prominent notices on the exterior of their premises advising patrons that those attending <ul style="list-style-type: none"> <li>1. It is a condition of entry that customers agree to be searched</li> <li>2. Police will be informed if anyone is found in possession of controlled substances or weapons</li> </ul>
	<b>Security Policy</b>
C/CD50	The premises licence holder and/or Designated Premises Supervisor (DPS) shall carry out reviews of security incidents at the premises. Such reviews shall be documented and conducted at least <i>{interval}</i> and include details of any remedial action identified and implemented. Copies of the security review shall be made available upon inspection by a police officer, police licensing officer or council authorised licensing officer.
	<b>Staff Levels</b>
C/CD51	There will be a minimum of <i>{number}</i> members of staff on duty at the licensed premises from <i>{time}</i> until <i>{time}</i> on <i>{days}</i> .
	<b>Terrorism</b>
C/CD52	Staff training shall include procedures to deal effectively with emergency incidents, including: <ul style="list-style-type: none"> <li>1. reporting an emergency to the relevant emergency service</li> <li>2. safe evacuation of customers</li> <li>3. dealing with terrorist threats or incidents</li> </ul>

## **Public Safety**

	<b>Suggested wording</b>
	<b>First Aid</b>
C/PS1	When providing regulated entertainment there shall be at all times the entertainment is taking place, a qualified first aid person, trained to a nationally recognised standard, on the premises and easily identifiable. A notice stating the availability of first aid person shall be prominently displayed inside and outside the premises and shall be protected from damage or deterioration. There shall be first aid equipment and materials available at the premises whilst the premises are trading.
	<b>Glass/Bottle Collection</b>
C/PS2	Every {number} minutes all empty drinking vessels, bottles or containers will be collected and cleared away.
	<b>Bottle Bins</b>
C/PS3	Bottle bins will be kept secure and away from public areas

## **The prevention of public nuisance**

	<b>Suggested wording</b>
	<b>Clear glazing policy</b>
C/PN1	A 'clear glazing' policy shall be kept at the premises above {number} meter and below {number} meters so staff have an unobstructed view of the area outside the front of the premises through the glass looking into the street. The exception to this shall be the display of notices required by law and any required as a condition of this licence.
	<b>Consumption of hot food/drink after 2300 hours</b>
C/PN2	There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
	<b>Flyers/ Promotional material</b>
C/PN3	No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
	<b>Large scale events – over 500 people - noise</b>
C/PN4	The Music Noise Level (MNL) for all outdoor events shall achieve the guidelines described in the Noise Council's Code of Practice on Environmental Noise Control at concerts. The appointed noise control consultant shall monitor noise levels at the sound mixer position and/or at any locations as agreed in writing with Environmental health where reported noise complaints have been received. The consultant will advise the sound engineer of the permitted music noise levels so that they will not be exceeded. The Licensing Authority and Environmental Health Service shall have access to the results of the noise monitoring during the event and be provided a written report including date, time period, noise levels, monitoring locations details of actions taken if a breach of noise criteria occurred. The report must be submitted to the Environmental Health department no later than 3 weeks after the event.
C/PN5	The Music Noise Level (MNL) for all events shall not exceed {number} DBA at noise sensitive properties, other than for {number} events that may not exceed {number} DBA. The {number} of events not exceeding {number} DBA should not occur on more than {number} consecutive days.
C/PN6	Concerts or similar outdoor events of musical performance at the premises that provide live music, recorded music or amplified sound audible at the site boundary shall be restricted to no more than {specify a number} per annum. These events shall not occur on more than {specify a number} consecutive days

C/PN7	Any sound test carried out in advance of a concert or musical performance shall not take place between the hours {time} and {time} and will be limited to {number} an hour.
C/PN8	The licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the permitted music noise levels and that any instructions from the noise control consultant regarding noise levels shall be implemented
C/PN9	The appointed noise control consultant shall monitor noise levels at the sound mixer position and at agreed receptor locations. The consultant will advise the sound engineer accordingly to ensure that the permitted music noise levels are not exceeded. The Licensing Authority and the Environmental Health services shall have access to the results for the noise monitoring at any time.
	<b>Noise and vibration</b>
C/PN10	When live music or recorded music takes place inside the premises all doors and windows will be kept shut. Entrance/exit doors will be fitted with self-closing mechanism that will enable these doors to automatically close once persons enter or leave the premises.
C/PN11	<p>A designated premises supervisor or a nominated representative shall keep written records of sound checks when live music, recorded music or amplified sound is taking place. Sound checks must be made inside and outside the premises at all entrance/exit doors to the premises and to walk outside around the premises on all sides where there are residential properties. The record must contain</p> <ol style="list-style-type: none"> <li>1. date and time</li> <li>2. type of event</li> <li>3. name of person carrying out the sound check</li> <li>4. location of the check</li> <li>5. whether the person determined if the noise was set to a level as to cause a complaint</li> <li>6. action taken in relation to noise levels i.e. being increased, decreased or no action</li> <li>7. The noise must be assessed at the start of the event and at intervals no less than every one hour until the end of the event</li> </ol>
C/PN12	<p>No regulated entertainment will take place until such time as</p> <ol style="list-style-type: none"> <li>1. The premises licence holder submits to the Council Environmental Health an acoustic report prepared by suitably qualified acoustic consultant, which demonstrates how music and other amplified sound generated at the premises will be contained within the said premises, thereby not causing a</li> </ol>

	<p>disturbance to neighbouring premises. The report shall have regard to any noise caused by any ventilation system and any likely escape of noise from the system, the opening of doors for patrons' acoustic characteristics of fire doors, windows, any flat roofs and the general fabric of the building. Where sound transmission is likely through the structure of the building the report must show in detail how this will be eradicated.</p> <ol style="list-style-type: none"> <li>2. Any work to the building or system must be carried out as per the report recommendations.</li> <li>3. The acoustic report will be checked and any relevant work to the system or building on completion must be approved in writing by Environmental Health before regulated entertainment is authorised to take place.</li> </ol>
C/PN13	The premises licence holder must create a written scheme of soundproofing of the <i>{location}</i> . The scheme will outline a timescale for implementing any works required to be carried out. Environmental Health will be sent the written scheme and notified on the completion and approved in writing by them before regulated entertainment can take place.
C/PN14	A noise limiting device shall be installed, fitted and maintained as to control all sources of amplified sound at the premises to prevent noise nuisance to neighbouring properties. The noise limiter shall be set to maintain a maximum level which is agreed in writing with Environmental Health and amended as and when required to deal with any reported nuisance/complaint.
C/PN15	The <i>{doors / windows}</i> at <i>{specific location}</i> shall be fitted with <i>{double/secondary}</i> glazing.
C/PN16	A <i>{sound trap lobby/acoustic door/automatic door closer}</i> shall be installed.
C/PN17	<i>{Specify location}</i> must be acoustically sealed as to specifications agreed in writing with Environmental Health.
C/PN18	An alarm shall be fitted to <i>{all external windows/fire doors}</i> which alert staff when <i>{they/it}</i> are opened without authorisation by the designated premises supervisor or responsible person.
C/PN19	No live music, recorded music or amplified equipment shall be relayed via external speakers other than for events with the prior written approval of Environmental Health. The specification and orientation of all speakers shall be agreed in writing with Environmental Health.
C/PN20	

	When regulated entertainment and background music takes place outdoors a noise management plan must be in place to review the impact of noise prior to, during and after each event.
C/PN21	No amplified music is to be permitted unless a noise management plan, which has been agreed with the local authority, is in place. The noise management plan shall be periodically reviewed and/or when significant changes occur in the operation, building or event type or following a complaint.
	<b>Notices and signage - Noise</b>
C/PN22	Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
C/PN23	Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
	<b>Notices and signage – Permitted hours</b>
C/PN24	Prominent signage indicating the permitted hours for the sale of alcohol shall be displayed so as to be visible before entering the premises, where alcohol is on public display, and at the point of sale.
	<b>Outside Areas – garden/patio areas</b>
C/PN25	The {garden/patio} must not be used by customers after {times}.
C/PN26	Prominent, clear notices shall be displayed in the {garden/patio/outside area} asking customers to keep the noise down and to respect the needs of local residents when using the garden.
C/PN27	No outside area shall be used for consumption of alcohol after {time} on {days}.
	<b>Outside Areas – Tables and Chairs</b>
C/PN28	All tables and chairs shall be removed from the outside area by {time} each day.
C/PN29	All tables and chairs shall be in the outside area shall be rendered unusable by {time} each day.
	<b>Outside areas – regulated entertainment</b>
C/PN30	Regulated entertainment outdoors will be limited to {number} events a calendar year.
C/PN31	



	Regulated entertainment outdoors will cease no later than {time}
	<b>Outside Areas - Smoking</b>
C/PN32	The licensee will have a member of staff monitoring the outside and restricting access to only {number} people at a time to be outside smoking after {time}. No beverages will be allowed outside and non-smokers will not be allowed to accompany those who are smoking.
C/PN33	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.
C/PN34	Patrons permitted to temporarily leave the premises to smoke shall be restricted to a designated smoking area defined as {specify location}.
C/PN35	The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
	<b>Queues</b>
C/PN36	The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
C/PN37	Queuing outside the premises shall be restricted to a designated area located at {specify location}.
	<b>Resident communication</b>
C/PN38	A direct telephone number for the manager of the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents in the vicinity.
C/PN39	Residents are to be provided with the mobile telephone number of the Events Manager (or equivalent officer of the Council) during event days.
C/PN40	Local residents shall be invited to quarterly meetings held by the premises licence holder to resolve any problems associated with the carrying on of licensable activities at the premises. The minutes of the meeting and any action to be taken shall be lodged with the Council's Licensing Unit by the premises licence holder within seven days of the meeting.
	<b>Taxis</b>
C/PN41	The premises licence holder will provide a taxi phone service and internal waiting

	area for customers.
	<b>Waste Disposal &amp; Litter</b>
C/PN42	After close of business, staff will pick up any flyers/rubbish/litter/bottles that have been left for a distance of {number} metres in each direction. This will include the washing down the pavement to the front of the premises to the gutter of spilled food and similar materials in order to leave the footway in a clean and safe condition.
C/PN43	A waste receptacle for use by patrons will be provided in {position}. The receptacles shall be emptied every day the venue is trading between the hours of {time} and {time}.
C/PN44	There will be no collection of waste, which includes bottles, recycling and litter between the hours of {time} and {time}.
C/PN45	During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

## The Protection of Children from Harm

	<b>Suggested wording</b>
	<b>Adult Entertainment</b>
C/CH1	No children under the age of 18 will be allowed on the premises whilst entertainment or activities of an adult or sexual nature takes place within the premises.
C/CH2	No children under the age of 16 will be allowed on the premises after { <i>time</i> }.
C/CH3	When entertainment or activity of an 'adult or sexual nature takes place on the premises the licence holder shall erect and maintain clear and prominent notices on the exterior of the premises 30 minutes before the entertainment takes place advising that 'children are not admitted'.
	<b>Challenge 21/25</b>
C/CH4	A Challenge 21/25 proof of age scheme shall be operated at the premises.
	<b>Children on licensed premises</b>
C/CH5	No children under 16 years old will be allowed on the premises except for pre-booked functions.
C/CH6	No children under the age of 16 will be allowed on the premises after { <i>time</i> }.
C/CH7	Children are not allowed on the premises after { <i>time</i> } except children attending private functions in the function room.
C/CH8	Prominent, clear notices shall be displayed at the entrance stating that children under the age of 16 are only allowed on the premises until { <i>time</i> }.
	<b>Promotional material</b>
C/CH9	No promotional material for alcoholic products will be displayed so that it is visible from the street.
	<b>Proxy Sales</b>
C/CH10	The premises shall display prominent signage indicating { <i>at location</i> } that it is an offence to buy, or attempt to buy, alcohol for a person under the age of 18.
	<b>Refusals Book</b>

C/CH11	<p>The premises licence holder or designated premises supervisor must keep a refusal register. Staff to be trained to complete a refusal book/record immediately after the refusal but no later than the end of their shift. The register must be kept on the premises and will detail</p> <ol style="list-style-type: none"> <li>1. Day, Date &amp; Time of refusal</li> <li>2. Item Refused</li> <li>3. Name or description of person refused sale</li> <li>4. Reason for refusal</li> <li>5. Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made.</li> </ol> <p>The register must be made available for Police, Police Licensing Officer and authorised officers from Medway Council on demand either electronically or hard copy.</p>
<b>Safeguarding/Child Sexual Exploitation</b>	
C/CH12	<p>Information shall be displayed <i>{location}</i> giving details of what to do if there is a cause for concern regarding a child's welfare. This shall include</p> <ul style="list-style-type: none"> <li>• Reporting to Medway Children's Services, with correct telephone numbers and e mail contact</li> <li>• dialling 999 in the event of an immediate threat</li> </ul>
C/CH13	<p>The premises licence holder must ensure all persons working at the premises, whether paid or unpaid, have training in safeguarding and child sexual exploitation issues. Training should take place within six weeks of employment. Refresher training should be repeated a minimum of every <i>{number}</i> months or earlier if required due to changes of legislation The training should include:</p> <ol style="list-style-type: none"> <li>1. Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences;</li> <li>2. Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances;</li> <li>3. Being aware of signs and indicators that their premises are potentially being utilised for child sexual exploitation (CSE);</li> <li>4. Knowing who in the organisation to raise your concerns with;</li> <li>5. Being competent in taking the appropriate immediate or emergency action</li> <li>6. Knowing how to make a referral to Children's Services and/or the Police.</li> </ol> <p>Records must be made available for inspection by police, police licensing officer and authorised officers from Medway Council on demand either electronically or hard copy.</p>

## **Introduction**

The Licensing Act 2003 (the Act) focuses on the promotion of four statutory licensing objectives, which must be addressed when licensing functions, are undertaken. The four licensing objectives are:

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

## **Aim of this document**

The aim of this document is to provide applicants and licensees with guidance on good practice for the promotion of the four licensing objectives, which are paramount considerations at all times. The guidance is consistent with the statutory guidance issued by the Secretary of State under section 182 of the Act and with the Statement of Licensing Policy issued by this Licensing Authority (the Authority).

It outlines what this Authority and its responsible authority partners expects applicants to consider when completing their operating schedules and for licensees to consider when operating their premises under the terms of a premises licence. It represents the Authority's view of the most appropriate way of promoting these four objectives in Medway.

Applicants and licensees are expected to make a proactive commitment to preventing problems from occurring at licensed premises.

## **Risks associated with licensed premises**

Risks associated with licensed premises can vary dependent on the premises type and characteristics, the design, layout and general environment, the location, the policies in place and the events being held there.

This document identifies many of the possible risks associated with licensable activities and sets out examples of good practical to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives in Medway.

This document cannot anticipate every possible risk, problem or circumstance and neither does it restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

## **How can this document be used?**

### **Applicants and licensees**

A proactive and preventative approach is a key aspect of good management at licensed premises. The licensing authority therefore expects applicants to refer and have regard to this document when completing their operating schedule.

If problems occur at licensed premises after a licence has been granted and a reactive approach is needed, licensees should put additional operational measures in place to manage and prevent those problems from recurring. The Authority will expect premises licence holders to have regard to this document when considering additional measures.

### **The licensing authority and responsible authorities**

This is not a statutory document but it will be taken into consideration and used by the Authority and responsible authorities should they wish to do so as follows:

- when responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule;
- as a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and avoid further problems; and
- for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

### **Dealing with problem premises**

The routine monitoring of licensed premises will be undertaken by the licensing authority and responsible authorities and findings under the four licensing objectives will be brought together.

Problems or concerns with licensed premises will be identified and flagged up at an early stage and advice will be offered to licensees with a view to improving standards at their premises and to prevent or minimise subsequent problems.

Where problems have been identified, the licensing authority and responsible authorities will agree appropriate measures. The aim of this guidance is to avoid the need for enforcement action such as prosecution or review but it will not replace enforcement action where it is necessary.

### **Acknowledging well-managed premises**

This document will also be used by the licensing authority to acknowledge and support well run premises through schemes such as the Safer Socialising Award.

## How to use this guide

The suggested measures have been prefixed and colour coded to identify the licensing objective they seek to address and make it easier for the Authority, applicants, responsible authorities and other persons to reference them and link them to Appendix 6 – Suggested Conditions.

GP/G	General
GP/CD	Crime and Disorder
GP/PS	Public Safety
GP/PN	Public Nuisance
GP/CH	Protection of Children From Harm

## **General – All four licensing objectives**

This section provides guidance on good practice for the general promotion of all four licensing objectives at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the general promotion of the licensing objectives after a licence has been granted.

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the four licensing objectives. Training is the key to giving licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

Risk	Good practice measure		Condition Reference
<p><b>Lack of knowledge or understanding of the Licensing Act 2003</b></p>	<p><b>GP/P1</b></p>	<p><b>Well trained staff</b></p> <p>(a) This measure will contribute to well run premises and a responsible approach to the sale of alcohol, provision of entertainment and late night refreshment. Formal qualifications for your staff, either to Personal Licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferential.</p> <p>(b) All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</p> <p>(c) Training should also be provided on premises' specific policies relevant to the operation of the business, including the content of the premises licence including the details of the premises licence conditions.</p> <p>(d) A record should be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.</p>	<p><b>C/G1</b></p>



## **Prevention of Crime and Disorder**

This section provides guidance on good practice for the prevention of crime and disorder in and from licensed premises. It is intended to guide those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of crime and disorder from their premises after a licence has been granted.

The main causes of crime and disorder in licensed premises arise from inadequate security provisions, poor design and layout, the type of event being promoted, overcrowding and customers being drunk or under the influence of drugs. This can result in theft, conflict, violence and anti social behaviour. It is therefore expected applicants and licensees will take a proactive approach to preventing and managing crime and disorder from their premises.

All applications for new licences and variations should address the steps proposed to prevent crime and disorder and this is best achieved through a premises risk assessment. Alcohol can be a significant contributory factor to levels of crime and disorder in an area. Good management and good practice along with adequate physical controls can make an important difference to the level of alcohol related crime at premises. Such measures should be reflected in the operating schedule.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premises to minimise the potential for crime and disorder.

Licence holders should have clear documented policies and procedures in place which identify all crime and disorder risks associated with their premises and the measures implemented to prevent, manage and respond to those risks.

<b>Risk</b>	<b>Good practice measure</b>		<b>Condition reference</b>
<b>Security in and around the premises</b>	<b>GP/CD1</b>	<b>An alarm or other security measure</b>  (a) This should be installed at the premises to protect it when closed or empty.  (b) Emergency exits should be alarmed when the premises are open to the public so that staffs	

	<p><b>GP/CD2</b></p>	<p>are immediately notified of unauthorised opening or tampering.</p> <p>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</p> <p><b>CCTV</b></p> <p>(a) CCTV should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.</p> <p>(b) The recordings should be in real time and on hard drive with the availability to copy data for other agencies such as the police.</p> <p>(c) Recordings should be kept for a minimum period of 31 days.</p> <p>(d) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(e) A trained member of staff should be on duty to operate the system whenever the premises are open.</p>	<p><b>C/CD 23</b></p>
	<p><b>GP/CD3</b></p>	<p><b>External lighting</b></p> <p>This provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.</p>	

	<b>GP/CD4</b>	<p><b>Security systems should be integrated</b></p> <p>(a) The alarm, CCTV and lighting should work together in an effective manner.</p> <p>(b) The alarm should be linked to a system that will notify the police if it is activated.</p>	
	<b>GP/CD5</b>	<p><b>Door staff and/or stewards</b></p> <p>(a) Door staff should be employed at the venue to supervise admissions and customers inside the venue.</p> <p>(b) Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.</p> <p>(c) Door staff should sign into a register detailing their full name, SIA number, contact details and the time and date their duty commenced and concluded.</p> <p>(d) Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p>	<p><b>C/CD 28 – 33</b></p> <p><b>C/CD 33</b></p> <p><b>C/CD 28</b></p>
	<b>GP/CD6</b>	<p><b>Effective security policies</b></p> <p>(a) Policies based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.</p>	<p><b>C/CD 50</b></p>

<p><b>Working to prevent the threat of terrorism</b></p>	<p><b>GP/CD7</b></p>	<p>(b) All staff must be aware of a premises security policy with a record kept of the date and name of person trained.</p> <p>(c) Premises should hold security review meetings on a regular basis to help identify and resolve issues and ensure that staff are fully aware of important issues. Relevant issues could include the prevention of thefts, or identifying problematic individuals. Records should be made available for inspection by the police or licensing authority</p> <p>(d) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the Police.</p> <p><b>Terrorism policy</b></p> <p>Terror attacks have previously been targeted at bars, pubs and nightclubs in the UK. All premises are expected to have regard to the National Counter Terrorism Security Office (NaCTSO) publication 'Counter Terrorism Protective Security Advice for Bars, Pubs and Nightclubs'.</p>	<p><b>C/CD 52</b></p>
<p><b>Crime including conflict, violence or aggression in and around the premises</b></p>	<p><b>GP/CD8</b></p>	<p><b>Security reviews</b></p> <p>These should be held regularly and at least every three months with minutes kept.</p>	<p><b>C/CD 50</b></p>
	<p><b>GP/CD9</b></p>	<p><b>Daily staff briefing and debriefing</b></p> <p>(a) This will enable licensees to improve working practices in their premises.</p> <p>(b) Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p>	

	<p><b>GP/CD10</b></p> <p><b>GP/CD11</b></p> <p><b>GP/CD12</b></p>	<p><b>Promoted events</b></p> <p>(a) These events may attract larger than usual crowds and particular promotions may have violent or aggressive followers or other crime and disorder associated with them.</p> <p>(b) Such events must have a comprehensive risk assessment undertaken by the licence holder and should be submitted to the Police licensing team at least 14 days in advance of the proposed event.</p> <p>(c) It is expected that promoters should have obtained the BIIAB level 2 for music promoters.</p> <p>(d) In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a debrief form will be provided to the Police licensing team within 48 hours of the event.</p> <p><b>Proper management of the door</b></p> <p>(a) This measure will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment taking into account the size of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of 1 door supervisor per 50 customers.</p> <p>(b) Consideration should be given to a sufficient, provision of male and female door supervisors, but at least one female door supervisor should be used.</p> <p><b>A door admissions policy</b></p>	<p><b>C/CD 31</b></p>
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	<p><b>GP/CD13 ID scanning</b></p>	<p>This should include relevant age restrictions, expected dress standards, searching of customers and screening of hand bags and any other relevant restrictions. These should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.</p>	<p><b>C/CD 31</b></p>
	<p><b>GP/CD14 Refusing entry to persons</b></p>	<p>Use an ID scanning system. This allows venues to verify customers' details, keep people out of the premises who have been banned, and in the event of an incident or crime happening, the police have access to information which allows for the identification of possible offenders.</p> <p>(a) Prevent persons from gaining entry to the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p>(b) In such cases, an entry should be made in an incident or log book</p>	<p><b>C/CD 39</b></p>
	<p><b>GP/CD15 A policy to manage capacity</b></p>	<p>(a) A capacity policy should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p>(b) For promoted events and large venues, the use of clickers can be used to record the number of patrons inside the premises.</p> <p>(c) For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p>(d) Consideration should be given to deliberately running below capacity to afford a comfort factor</p>	

		to your patrons and avoid conflict, violence or aggression within the premises.	
	<b>GP/CD16</b>	<p><b>Alternatives to glass drinking vessels</b></p> <p>(a) These should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</p> <p>(b) Drinking vessels made from plastic or polycarbonate would be preferential particularly in outside areas, but in any case glass drinking vessels should be toughened where appropriate.</p> <p>(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.</p>	<p><b>C/CD 17 - 22</b></p> <p><b>C/CD 19 - 20</b></p> <p><b>C/PS 2</b></p>
	<b>GP/CD17</b>	<p><b>Measures to preserve a crime scene</b></p> <p>(a) Preserving a crime scene until police arrival, following the outbreak of disorder or any other crime should be clearly documented in a policy.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p>	
	<b>GP/CD18</b>	<p><b>Staff training</b></p> <p>(a) Training in conflict management should be provided to give staff the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.</p>	

<b>Drugs and weapons being brought into the premises</b>		<p>(b) Training should also cover logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>	<b>C/G1</b>
	<b>GP/CD19</b>	<p><b>Sharing of information</b></p> <p>Sharing information with others in the industry. Regular meetings, the use of local radio networks or membership of the Safer Medway Partnership will enable information to be passed on about trouble makers and common problems in the area.</p>	
	<b>GP/CD20</b>	<p><b>A zero tolerance policy</b></p> <p>(a) A zero tolerance policy to the use of drugs and carrying of weapons in the premises should be adopted with a clear "no search no entry" message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p>	<b>C/CD 36 - 38</b> <b>C/CD 38</b>
	<b>GP/CD21</b>	<p><b>Effective search policies</b></p> <p>(a) Searching will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p> <p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the licensing team.</p>	<b>C/CD 45 - 49</b>



		<p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p> <p>(e) Searches should always be carried out in public areas and covered by CCTV.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p><b>GP/CD22 Calling the police</b></p> <p>If customers are suspected of being in possession of drugs or weapons, all staff must be made aware of this requirement.</p> <p><b>GP/CD23 Seizing, retaining and documenting</b></p> <p>(a) Policy concerning the seizure of any drugs or weapons found with a clear audit trail and a process for surrendering them to the Police.</p> <p>(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search including circumstances when the police should be called; the use of tamper proof bags and safe storage of seized items in a lockable box; details that need to be recorded and how/when seized items should be surrendered to the police.</p> <p><b>GP/CD24 Supervising toilet areas</b></p> <p>(a) This can be effective in discouraging drug selling or use.</p>	<p><b>C/CD 40</b></p> <p><b>C/CD 24 -</b></p>
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<b>Theft from premises or lost property</b>		(b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.	<b>25</b>
		(c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.	<b>C/CD 24</b>
		(d) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse	
	<b>GP/CD25</b>	<b>Drug awareness training</b>  Drug awareness training should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.	<b>C/CD 36</b>
	<b>GP/CD26</b>	<b>Bag hooks (Chelsea clips)</b>  These may be provided to prevent bag snatching.	
	<b>GP/CD27</b>	<b>Clear signage</b>  This should be displayed throughout the premises advising about crime prevention and to warn customers of the potential for pickpockets and bag/laptop snatchers.	<b>C/CD 26</b>
	<b>GP/CD28</b>	<b>Property patrols and managed cloakrooms</b>  Toilet attendants can be employed to prevent theft from patrons or the premises.	<b>C/CD 24</b>
	<b>GP/CD29</b>	<b>Premises layout and lighting</b>	

Disorder from	<b>GP/CD30</b>	<b>Mirrors</b>	<p>Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.</p> <p>Mirrors used throughout the premises can aid supervision and act as a deterrent to thieves.</p>	<b>C/CD 10 - 13</b>
	<b>GP/CD31</b>	<b>A lost and found policy</b>	<p>Policies should be in place in relation to lost/found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.</p>	
	<b>GP/CD32</b>	<b>Carefully positioning alcohol</b>	<p>(a) Careful positioning of alcohol in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to 'grab and run'.</p> <p>(b) Alcohol display areas should be covered by CCTV.</p>	
	<b>GP/CD33</b>	<b>Security tagging</b>	<p>Tagging any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.</p>	
	<b>GP/CD34</b>	<b>Reduce the potential for excessive queue lines</b>		

<p><b>customers queuing to enter the premises or when leaving the premises</b></p>	<p><b>GP/CD35</b></p>	<p>Without a well managed and efficient door policy, long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.</p> <p><b>A customer dispersal policy</b></p> <p>(a) A dispersal policy can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.</p> <p>(b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p>	<p><b>C/PN 36 - 37</b></p>
	<p><b>GP/CD36</b></p>	<p><b>Staff training</b></p> <p>(a) Staff training in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</p> <p>(b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p>	<p><b>C/CD 27</b></p>
<p><b>Customers getting drunk and dealing with drunken</b></p>	<p><b>GP/CD37</b></p>	<p><b>Drinks promotions</b></p> <p>(a) Promotions should be socially responsible and not encourage excessive drinking.</p> <p>(b) A documented policy on responsible drinks promotions should be in place at the premises</p>	<p><b>C/G 1</b></p> <p><b>C/CH 9</b></p>

<p><b>customers</b></p>		<p>and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p>	<p><b>C/CD 34</b></p>
	<p><b>GP/CD38</b></p>	<p><b>Staff training</b></p> <p>(c) Any drinks promotion should market the availability of soft drinks</p> <p>(a) Training on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give staff the knowledge and confidence to deal with drunken patrons.</p> <p>(b) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognize appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> <p>(c) When staff are collecting glasses, they can interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p> <p>(d) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>	
	<p><b>GP/CD39</b></p>	<p><b>A duty of care policy</b></p> <p>There should be a policy regarding persons suffering adversely from the effects of drink in place at the premises. All staff must be briefed on the policy.</p>	
	<p><b>GP/CD40</b></p>	<p><b>Drink-aware posters</b></p>	

<p><b>Consumption of alcohol on the street and street drinkers</b></p>	<p><b>GP/CD41</b></p>	<p>Posters can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p> <p><b>Restricting sale of 'super strength' beer and cider, miniature and pre mixed spirits</b></p> <ul style="list-style-type: none"> <li>a) Off licences can stop the sale of strong beer, cider and pre mixed spirits above 5.5% ABV, and spirit miniatures, which are attractive to street and dependent drinkers.</li> <li>b) Restrict the sale of single cans or bottles of beer and cider, depending on whether there are problems with street drinkers in the area. Such sales can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.</li> </ul>	<p><b>C/CD 6 - 7</b></p>
<p><b>Sale of alcohol outside permitted hours</b></p>	<p><b>GP/CD42</b></p>	<p><b>Lockable shutters</b></p> <p>Shutters can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.</p>	<p><b>C/CD 16</b></p>

## **Public Safety**

This section provides examples of good practice for the promotion of public safety at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the promotion and management of public safety at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks to the safety of the public (including performers) attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing public safety at their premises.

All applications for new licences and variations should address the steps to promote public safety and this is best achieved through a premises risk assessment.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the design and layout of the premises to achieve the highest possible standard of safety.

Licence holders should have clear documented policies and procedures in place, which identify all public safety risks associated, with their premises and measures implemented to prevent, manage and respond to those risks.





<b>Overcrowding</b>	<b>PS5</b>	<p><b>Temperature levels and humidity levels</b></p> <p>These should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas.</p>	
	<b>PS6</b>	<p><b>A documented capacity</b></p> <p>Capacity should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority.</p> <p>The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.</p>	
	<b>PS7</b>	<p><b>A policy to manage the capacity</b></p> <p>(a) A policy should be adopted to prevent overcrowding and localized overcrowding.</p> <p>(b) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>	
<b>Accumulation and disposal of glass bottles and glass drinking vessels</b>	<b>PS8</b>	<p><b>A glass collection policy</b></p> <p>(a) A glass collection policy should include provisions for regular collection of glassware and bottles by staff. It may be appropriate to prevent glass vessels from being taken into external areas. Glass vessels should not be allowed to accumulate or cause obstruction.</p> <p>(b) Perimeter checks should be made outside the premises for any glasses or bottles.</p>	<b>C/PS2</b>

<b>Accident or other emergency incident on the premises</b>	<b>PS9</b>	<p>(c) All staff must be made aware of the glass collection policy and their responsibility for the task.</p> <p><b>Spillages and broken glass</b></p> <p>Spillages and broken glass should be cleaned up immediately to prevent floors from becoming slippery and unsafe.</p>	<b>C/PS3</b>
	<b>PS10</b>	<p><b>Bottle bins</b></p> <p>Bins should be secure at all times and away from public areas.</p>	
	<b>PS11</b>	<p><b>A written accident and incident policy</b></p> <p>(a) A policy to deal with all types of accidents &amp; emergency incidents should be in place at the premises.</p> <p>(b) The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.</p> <p>(c) Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly</p> <p>(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.</p>	
	<b>PS12</b>	<p><b>A fire detection system</b></p> <p>A fire detection system should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.</p>	
	<b>PS13</b>	<p><b>Means of escape</b></p>	

		<p>(a) Escape routes in case of any emergency must be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street.</p> <p>(b) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</p> <p><b>PS14      Equipment should be checked and maintained</b></p> <p>Equipment should be regularly checked and maintained with a record kept of the date and findings of the checks.</p> <p><b>PS15      Staff training in fire safety</b></p> <p>(a) Any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.</p> <p>(b) Records should be kept of the date and name of person trained and made available for inspection.</p> <p><b>PS16      An accident book</b></p> <p>An accident book should be kept in order to record all accidents or incidents and made available for inspection.</p> <p><b>PS17      A zero tolerance policy</b></p> <p>(a) A zero tolerance to the use of drugs in the premises should be adopted.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</p>	<p><b>C/CD 36 - 38</b></p>
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<b>Drug use or drink spiking</b>	<b>PS18</b>	<b>Refusing entry</b>  Refusing entry to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.	<b>C/CD 40</b>
	<b>PS19</b>	<b>A duty of care policy</b>  (a) A policy regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.  (b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.	
	<b>PS20</b>	<b>Prevent the possibility of drink spiking</b>  (a) Offer various anti drink spiking products to customers.  (b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.	
<b>Smoking on the Premises</b>	<b>PS21</b>	<b>A 'chill out' area</b>  A chill out area should be provided. This should be cooler and quieter than rest of venue.	
	<b>PS22</b>	<b>Staff training in smoke free legislation</b>  Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.	
<b>Safety of customers</b>	<b>PS23</b>	<b>Drink driving</b>	

<b>when leaving the premises</b>	<b>PS24</b>	Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises.  <b>Display information concerning safe travel options</b>  (a) Inform customers regarding safe options for travelling home. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options.  (b) Provide a free taxi phone service and a safe waiting area for customers inside the premises.	
	<b>PS25</b>	<b>A 'chill out' period at the end of an evening</b>  (a) This can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.  (b) Provision of food and non alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises	
	<b>PS26</b>	<b>Lighting</b>  (a) Increased lighting inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.  (b) Increased external lighting particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours.	

## **Prevention of public nuisance**

This section provides examples of good practice for the prevention and management of public nuisance from licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the prevention and management of noise and other public nuisance issues from their premises after a licence has been granted.

Excessive noise and nuisance from licensed premises is a major concern for residents living in the area. It is therefore recommended that applicants and licensees take a proactive approach to preventing and managing public nuisance from their premises.

All applications for new licences and variations should address the steps proposed to prevent public nuisance. Where entertainment or other potentially noisy activity is planned, a noise assessment should be carried out. For some premises, the assessment will need to be carried out by a suitably qualified consultant.

For new premises or the refurbishment of existing premises, preventative measures should be factored in during the design stage. Consideration should be given to the structure and layout of the premises and equipment both internally and externally, to ensure that the premises are fit for purpose. Sound attenuation measures can include wall linings, acoustic curtains and acoustic treatment to mechanical ventilation or air conditioning systems. Consideration should also be given to historical noise problems at the premises with measures put in place to prevent them from recurring.

Licence holders should have clear documented policies and procedures in place which identify all public nuisance risks associated with their premises and measures implemented to prevent, manage and respond to those risks. Licence holders should also engage with local residents on a regular basis to ensure that they are being good neighbours and dealing with problems as they arise.

Risk	Good practice measure		Condition reference
<b>Music, singing and speech noise breakout from the premises</b>	<b>PN1</b>	<b>A noise management policy</b> <p>(a) A policy should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.</p> <p>(b) The policy should be based on the findings of an acoustic consultant’s assessment.</p> <p>(c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.</p> <p>(d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.</p> <p>(e) Use an approved list of DJs, event promoters or other entertainment providers who have signed up to the policy.</p>	<b>C/PN 10 - 21</b>
	<b>PN2</b>	<b>Windows and doors should be kept closed</b> <p>(a) Windows and doors should be kept closed whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.</p> <p>(b) Windows should be sound insulated.</p>	<b>C/PN 10 &amp; 18</b>  <b>C/PN 15</b>

		(c) Emergency exits should be sealed acoustic doors.	<b>C/PN 17</b>
		(d) A lobbied area should be provided at the entrance and exit to the premises.	<b>C/PN10</b>
		(e) Doors should be fitted with self closing devices.	<b>C/PN 16</b>
	<b>PN3</b>	<b>A sound limiting device</b>	
		(a) A sound limiting device should be installed, set and sealed at a level approved by an acoustic consultant.	<b>C/PN 14</b>
		(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.	
		(c) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.	
	<b>PN4</b>	<b>Location of entertainment facilities</b>	
		(a) Locate DJ booth, stage and loud speakers etc. away from doors and windows.	
		(b) Rubber speaker mounts can be used to minimize structure borne noise.	
	<b>PN5</b>	<b>Noise monitoring</b>	
		(a) Methods for monitoring noise should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder/staff to a detailed	<b>C/PN 11</b>



<p><b>Noise and nuisance from customers arriving and leaving the premises</b></p>	<p><b>PN6</b></p>	<p>measurement taken by a qualified consultant using sound measuring equipment.</p> <p>(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.</p> <p><b>Recording noise monitoring</b></p> <p>(a) A log book should be kept of any noise monitoring carried, the findings and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.</p> <p>(b) The log book should be made available for inspection by the licensing authority or environmental health responsible authority.</p>	<p><b>C/PN 11 - 39</b></p>
	<p><b>PN7</b></p>	<p><b>Contact telephone number</b></p> <p>A contact telephone number should be made available to local residents which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The phone line should be available at all times the licence is in use.</p>	<p><b>C/PN 38 - 39</b></p>
	<p><b>PN8</b></p>	<p><b>Reducing excessive queue lines</b></p> <p>(a) Reduce the potential for excessive queue lines with a well managed and efficient door policy.</p> <p>(b) Long queues should be avoided and any queues should be directed away from residential properties.</p> <p>(c) Queues should be actively managed by door staff, especially later in the evening, to keep</p>	<p><b>C/PN 36 - 37</b></p>

		<p>noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated. Door staff should refuse entry to anyone behaving in an anti-social way.</p> <p>(d) Restrict admittance or re-admittance to the premises after 11pm.</p> <p><b>PN9 A customer dispersal policy</b></p> <p>(a) A policy can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p>(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.</p> <p>(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p> <p><b>PN10 Customer Notices</b></p> <p>(a) Display prominent notices close to the exit doors, requesting patrons to leave the premises and quickly and quietly.</p> <p>(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.</p> <p>(c) Make announcements at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.</p>	<p><b>C/CD 27</b></p> <p><b>C/PN 22 - 23</b></p>
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<p><b>Noise and nuisance from customers using external areas such as beer gardens or forecourts</b></p>	<p><b>PN11</b></p>	<p><b>Provide a free taxi phone service and an internal waiting area</b></p> <p>(a) Provide a free taxi phone service and an internal waiting area for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.</p>	<p><b>C/PN 41</b></p>
	<p><b>PN12</b></p>	<p><b>Customer Notices</b></p> <p>Display prominent signs in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.</p>	<p><b>C/PN 22 – 23</b></p>
	<p><b>PN13</b></p>	<p><b>Restricted use of external areas</b></p> <p>Restrict the use of external areas after 10pm if premises are in a residential area.</p>	<p><b>C/PN 25 – 27</b></p>
	<p><b>PN14</b></p>	<p><b>Management of external areas</b></p> <p>(a) Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p>(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p>(c) Limit the number of smokers permitted outside at any one time after a certain time.</p>	<p><b>C/PN 32</b></p>

<p><b>Noise from staff and entertainment providers leaving the premises</b></p> <p><b>Noise and disturbance caused by deliveries, collections and waste disposal</b></p> <p><b>Litter and waste around the premises</b></p>	<p><b>PN15</b></p>	<p><b>Management of staff/performers</b></p> <p>Staff and performers who depart late at night or in the early hours on the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.</p>	<p><b>– 35</b></p>
	<p><b>PN16</b></p>	<p><b>Commercial deliveries, collections and storage/disposal of waste</b></p> <p>Commercial deliveries, collections and storage/disposal of waste including beer deliveries, refuse collections and storage/disposal of waste and recyclables in external areas should be restricted to normal working hours between 8am and 6pm Monday to Friday.</p>	<p><b>C/PN 44</b></p>
	<p><b>PN17</b></p>	<p><b>Flyers</b></p> <p>(a) Flyers should not be distributed outside the premises by the licence holder or any staff employed by the licence holder.</p> <p>(b) Licence holders should ensure that promoters of events at their premises do not distribute</p>	<p><b>C/PN 3</b></p>

		flyers outside the premises.	
<b>Disturbance from external lighting</b>	<b>PN18</b>	<b>Street litter</b>  (a) Procedures should be in place for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.  (b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.  (c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.	<b>C/PN 42, 43 &amp; 45</b>
	<b>PN19</b>	<b>External lighting</b>  External lighting for the premises should be turned off after the premises are closed to the public.	
<b>Noise or odours from plant and machinery</b>	<b>PN20</b>	<b>Plant and machinery</b>  Plant and machinery should not cause nuisance to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.	
<b>Resident communication</b>	<b>PN21</b>	<b>Resident communication</b>  Licensees are expected to communicate with local residents and businesses to address and resolve relevant problems. This could include giving contact telephone numbers to local residents so they	<b>C/PN 38 – 39</b>

<b>Clear Glazing Policy</b>	<b>PN22 Resident meetings</b>	<p>can report any issues to the premises for them to be dealt with. It is expected that contacts at the premises would be persons in a position of responsibility who are contactable whenever the premises are open to the public so that any issues can be addressed without delay.</p> <p>Licensees could also arrange regular meetings with neighbours to ensure good relations.</p>	<b>C/PN 40</b>
	<b>PN23 Keeping windows clear</b>	<p>For shops it can be important to keep the windows to the front and side of the premises clear to allow staff an unobstructed view into the street. Street drinkers and children often stand outside of premises asking people to buy alcohol and tobacco for them. Keeping clear windows allows staff to address this issue.</p>	<b>C/PN 1</b>

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## **Protection of children from harm**

This section provides examples of good practice for the protection of children from harm at licensed premises. It is intended to help those applying for new licences or variations to existing licences in completing their operating schedules. It is also designed to guide licensees on the protection and management of children from harm at their premises after a licence has been granted.

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing the well being of children at their premises. All applications for new licences and variations should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment.

Licence holders should have clear documented policies and procedures in place, which identify all age restricted risks at their premises and measures implemented to prevent, manage and respond to those risks.

<b>Risk</b>	<b>Good practice measure</b>		<b>Condition reference</b>
<b>Child Safeguarding And Child Sexual Exploitation</b>	<b>GP/CH1</b>	<b>Child Safeguarding and Child Sexual Exploitation (CSE)</b>  All persons working at the premises, whether paid or unpaid, should be trained in child safeguarding and CSE issues. The training should include:  a. Being alert to the possibility of child abuse and neglect, i.e. the definition, prevalence, identifying features in a child or adult, legal parameters and social consequences;  b. Having enough knowledge to recognise an abusive or potentially abusive event or set of circumstances;  c. Being aware of signs and indicators that their premises are potentially being utilised for child sexual exploitation (CSE);	<b>C/CH 12 &amp; 13</b>

<p><b>Children accessing licensed premises</b></p>	<p><b>GP/CH2</b></p>	<p>d. Knowing who in the organisation to raise your concerns with;</p> <p>e. Being competent in taking the appropriate immediate or emergency action</p> <p>f. Knowing how to make a referral to Children's Services and/or the Police</p> <p><b>Exclude or restrict access to children</b></p> <p>a. Exclude or restrict access depending on the nature of the business and / or circumstances. Points to consider are whether the sale of alcohol is the exclusive or primary purpose of the premises, the nature of activities and whether these are intended to, or of a nature to, attract children or whether there is a strong element of gambling on the premises (not including a small number of cash prize gaming machines)</p> <p>b. The admission of children can be restricted up until a specified time in the evening.</p> <p>c. The admittance of children can only be permitted if they are accompanied by an adult.</p>	<p><b>C/CH 1 – 3 &amp; 5 – 8</b></p>
<p><b>Underage sales of Alcohol</b></p>	<p><b>GP/CH3</b></p>	<p><b>Operate a strict 'No ID – No Sale' policy.</b></p> <p>a. A 'Challenge 25' scheme serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p> <p>b. Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.</p> <p>c. Use till prompts to remind staff to ask for proof of age.</p> <p>d. Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.</p>	<p><b>C/CH 4</b></p>



	<b>GP/CH4</b>	<b>Proxy sales</b>  Display posters at the premises stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).	<b>C/CH 10</b>
	<b>GP/CH5</b>	<b>Location of alcohol displays and storage</b>  a) Alcohol should not be displayed within easy access of the exit/egress to the shop, making theft more difficult  b) Consider placing alcohol displays behind the counter so children do not have access to them  c) Ensure alcohol is not displayed next to, or in the same display area, as products commonly purchased by children, such as soft drinks, sweets and toys.  d) Alcohol should not be stored on the shop floor, and should be kept in a secure area out of reach of the public area	<b>C/CD 10 – 13</b>
	<b>GP/CH6</b>	<b>Promotions</b>  a) Adverts or promotions for alcohol should not appeal to young persons.  b) No alcohol promotions which are street facing, particularly when near to a school or other place where young people attend or gather	<b>C/CH 9</b>
<b>Alcohol promotions and marketing</b>			
<b>Due diligence</b>	<b>GP/CH7</b>	<b>Refusals book</b>  a) Keep a refusals book (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.	<b>C/CH 11</b>

<p><b>Access to age restricted films</b></p> <p><b>Access to age restricted gaming machines</b></p> <p><b>Access to</b></p>	<p><b>GP/CH8</b></p> <p><b>GP/CH9</b></p> <p><b>GP/CH10</b></p> <p><b>GP/CH11</b></p>	<p>b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.</p> <p>c) The book should be made available to Police and authorised Council officers on request</p> <p>d) The book should be reviewed on a regular basis to see if any patterns emerge.</p> <p><b>Staff training</b></p> <p>a) Staff training in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to challenge customers and competently check their identification where necessary.</p> <p>b) A record should be kept of the date and name of person trained.</p> <p><b>Films</b></p> <p>a) Adequate provisions for restricting children from viewing age restricted films should be in place at the premises.</p> <p>b) Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).</p> <p><b>Gaming machines</b></p> <p>Age restricted gaming or vending machines should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.</p> <p><b>Adult entertainment</b></p>	<p><b>C/G 1</b></p>
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<p><b>entertainment of an adult nature</b></p>	<p><b>GP/CH12</b></p>	<p><b>Promotion of adult entertainment</b></p> <p>Children under the age of 18 should be excluded from the premises or part of the premises when specified activities such as adult entertainment are taking place.</p> <p>Adverts for entertainment of an adult nature should not be displayed externally on the premises or in any part of the premises internally where they can be seen by young persons.</p>	<p><b>C/CH 1 – 3</b></p>
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**Medway Area Information**

Local area profiles	<a href="http://www.medway.gov.uk/planningandbuilding/planningpolicy/factsandfigures/areaprofiles.aspx">http://www.medway.gov.uk/planningandbuilding/planningpolicy/factsandfigures/areaprofiles.aspx</a>
Local facts and figures	<a href="http://www.medway.gov.uk/planningandbuilding/planningpolicy/factsandfigures.aspx">http://www.medway.gov.uk/planningandbuilding/planningpolicy/factsandfigures.aspx</a>
Crime Statistics	<a href="https://www.police.uk/">https://www.police.uk/</a>
Medway Safer Business Partnership	<a href="http://www.safermedway.com/">http://www.safermedway.com/</a>
Community Safety Partnership	<a href="http://www.medway.gov.uk/crimenuisanceandsafety/communitysafety.aspx">http://www.medway.gov.uk/crimenuisanceandsafety/communitysafety.aspx</a>
Trading Standards	<a href="http://www.medway.gov.uk/businessandinvestment/tradingstandards.aspx">http://www.medway.gov.uk/businessandinvestment/tradingstandards.aspx</a>
Public Spaces Protection Orders (previously Alcohol Control Zones)	<a href="https://medwaycommunitysafety.wordpress.com/2010/03/15/alcohol-control-zones-keeping-medway-safe/">https://medwaycommunitysafety.wordpress.com/2010/03/15/alcohol-control-zones-keeping-medway-safe/</a>
Medway Joint Health and Wellbeing Board	<a href="http://www.medway.gov.uk/carehealthandsupport/healthandwellbeing/healthandwellbeingboard.aspx">http://www.medway.gov.uk/carehealthandsupport/healthandwellbeing/healthandwellbeingboard.aspx</a>
Medway Planning	<a href="http://www.medway.gov.uk/planningandbuilding.aspx">http://www.medway.gov.uk/planningandbuilding.aspx</a>

## **General Information**

British Institute of Innkeepers	<a href="https://www.bii.org/">https://www.bii.org/</a>
Wine and Spirit Trade Association	<a href="http://www.wsta.co.uk/">http://www.wsta.co.uk/</a>
<u>British Beer and Pub Association</u>	<a href="http://www.beerandpub.com/">http://www.beerandpub.com/</a>
The Portman Group	<a href="http://www.portmangroup.org.uk/">http://www.portmangroup.org.uk/</a>
Community Alcohol Partnerships	<a href="http://www.communityalcoholpartnerships.co.uk/">http://www.communityalcoholpartnerships.co.uk/</a>
Challenge 25 – for posters and advice	<a href="http://www.challenge25.org/">http://www.challenge25.org/</a>
Drinkaware – for posters and advice	<a href="https://www.drinkaware.co.uk/for-professionals/#sell">https://www.drinkaware.co.uk/for-professionals/#sell</a>

<b>Matter to be dealt with</b>	<b>Sub Committee</b>	<b>Officers</b>
Application for personal licence	If a police objection	If no objection made
Application for personal licence with relevant unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for Minor Variation		All cases
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application.	All cases	
Determination of a police objection to a temporary event notice	All cases	

A relevant representation is one, which relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives specified in the Act.

**Police**

Licensing Officer  
Kent Police  
Medway Police Station  
Purser Way  
Gillingham  
Kent ME7 1NE  
Phone: 01634 792539  
Email: [licensing.north.division@kent.pnn.police.uk](mailto:licensing.north.division@kent.pnn.police.uk)

**Fire**

Fire Safety Manager  
North Group Fire Safety Office  
2 St Michaels Road  
Sittingbourne  
Kent  
ME10 3DN  
Email: [tfs.northgroup@kent.fire-uk.org](mailto:tfs.northgroup@kent.fire-uk.org)  
Tel: 01622 212413

**Environmental Health (Environmental Protection and Food and Safety)**

Head of Environmental Health  
Medway Council  
Gun Wharf  
Dock Road  
Chatham  
Kent ME4 4TR  
Phone: 01634 333333  
Email: [environmental.protection@medway.gov.uk](mailto:environmental.protection@medway.gov.uk) or [foodandsafety@medway.gov.uk](mailto:foodandsafety@medway.gov.uk)

**Planning**

Development and Building Control Manager  
Medway Council  
Gun Wharf  
Dock Road  
Chatham  
Kent ME4 4TR  
Phone: 01634 333333  
Email: [building@stgbc.org.uk](mailto:building@stgbc.org.uk) or [planning.representations@medway.gov.uk](mailto:planning.representations@medway.gov.uk)

**Trading Standards**

Head of Trading Standards and Enforcement  
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**Introduction**

- 1.1 Public Health England and the Local Government Association recognise the Statement of Licensing Policy provides an important opportunity to incorporate relevant local public health concerns within the wider policy context of licensing. This approach is also supported by the World Health Organisation's 'health in all policies', which advocates the integration of health into all relevant policy contexts. The Authority accepts that the Licensing Act is not the primary means by which alcohol related health harms can be address, however the Council fully supports the 'health in all policies' approach and the Authority will seek to promote health where it is appropriate to do so within the constraints of the licensing regime.
- 1.2 The Director of Public Health (DPH) is a responsible authority under the Act and the Authority can consider representations from the DPH. Health can provide information that is relevant to the promotion of the licensing objectives, such as alcohol related ambulance call outs and A&E hospital admissions for alcohol related assaults. This is an important source of data to support licensing decisions.

**Aims**

- 1.3 The aim of this Appendix is to give context to the impact alcohol has on health in Medway and then provide guidance to those who work in, and control, licensed premises, so they can support and promote the health of their customers, staff and the communities in which they operate.

**Alcohol and Health**

- 1.4 Alcohol plays an important role in our communities. It can have a positive role in family and social life and is part of Medway's cultural and economic landscape. Businesses which sell alcohol are an important part of our economy, whether they are pubs, nightclubs, shops or other types of business. However these benefits should not cover the fact that alcohol is a toxic substance, which can have a profound impact on our communities, whether these are visible harms such as alcohol fuelled crime and disorder and street drinking or more hidden harms, such as alcohol dependence, domestic abuse and child safeguarding issues. Alcohol misuse is associated with 60 medical conditions, from liver disease, heart disease and strokes to types of cancer, hypertension and mental health issues. Alcohol can have a detrimental effect on physical and mental health and wellbeing.
- 1.5 There are no guaranteed safe levels of drinking, but drinking below the recommended limits means the risks to health are low. The current recommended limits can be found at <http://www.abettermedway.co.uk/alcohol.aspx>

## **Alcohol Harms in Medway**

- 1.6 Public health evidence of alcohol related harms in Medway can be found at the following link and was produced to support a cumulative impact policy.  
<https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=3440&T=10>
- 1.7 In summary there are several areas of concern in Medway, in both health and social related alcohol harms. Alcohol related hospital admissions are showing an upward trend, with males aged from 40 to 64 showing the most increase. There has been a steady rise in ambulance callouts where alcohol has been deemed to be a contributory factor from 2011 to 2015, and Medway has the highest number of reported domestic abuse incidents in local authorities in Kent and Medway. Alcohol related and alcohol specific mortality has stayed largely constant since 2008<sup>1</sup>.
- 1.8 24.2% of Medway residents abstain from drinking alcohol. Among those who do drink, 16.4% drink on four or more days a week and 26.6% can be classified as increasing or higher risk drinkers<sup>2</sup>. Higher-risk drinking is defined as those who regularly consume over 50 alcohol units per week (adult men) or over 35 units per week (adult women). Increasing-risk drinkers consume between 22 and 50 units per week (adult men) or between 15 and 35 units per week (adult women), increasing their risk of harm from alcohol.
- 1.9 It is not only the amount of alcohol consumed that increases the risk of harm. Binge drinking, which refers to a pattern of drinking in which a person consumes at least twice the daily recommended amount of alcohol in a single drinking session, can cause acute intoxication and lead to problems such as accidents, injury and violence. 15.5% of those who drink in Medway engage in binge drinking<sup>2</sup>.
- 1.10 More people are now drinking at home than ever before, and more beer in England is now purchased through the off trade<sup>3</sup>, than in 'on' licensed premises, such as pubs and clubs.
- 1.11 In 2014 public health commissioned a study into alcohol use in Medway<sup>4</sup>. The result identified there was a clear link between alcohol related harms, hospital admissions, alcohol related crimes and deprived areas where there is a density of licensed premises. In 2015 Medway was identified as having thirty two neighbourhoods ranked in the 20% most deprived nationally and 12 ranked in the 10% most deprived. Medway's most deprived neighbourhood, in River ward, is now ranked in the most deprived 1% areas nationally<sup>5</sup>. These areas show the greatest density of alcohol outlets, particularly off licensed premises.
- 1.12 The link between alcohol outlet density in an area and alcohol harms is accepted by the Government, NICE, Public Health England, the World Health Organisation and the LGA and informs their policy and strategy documents.

- 1.13 There is substantial academic evidence which links the density of alcohol outlets in an area with the rate of alcohol harms, such as domestic abuse and alcohol harms in young people, in the same area. Controlling the accessibility and availability of alcohol has been identified as an element in improving health, reducing harm and improving community safety through reduced crime, disorder and antisocial behaviour<sup>6,7</sup>.
- 1.14 There are 280 off licensed premises in Medway, which is the single largest type of premises<sup>8</sup>. This type of premises licence has also seen the most increase over the last 5 years, and is more than double the next type, which are public houses and bars. Most off licences are small convenience/newsagents/corner shops, which are clustered in and around our most deprived areas. Medway has nearly three times the number of premises licensed to sell alcohol per square kilometre than the England average<sup>2</sup>. Evidence indicates that increasing numbers of outlets or extended hours of sale potentially increases the competitive pressures on existing outlets, which may result in price reductions that tend to lead to increased levels of consumption.

### **Minimisation of harm**

- 1.15 Effective management of licensed premises is integral to the alcohol harm reduction agenda and it is recognised many establishments are keen to support this agenda. Examples of best practice which public health recommend are considered by premises are:
- Provide good quality, ongoing training to staff, which is regularly reviewed and updated.
  - Ensure that non-alcoholic drinks are priced competitively with alcoholic drinks and actively promoted.
  - Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
  - Consider starting the sale of alcohol later in the day rather than aligning it purely with opening hours, particularly in the case of off licenced premises.
  - Ensure that alcohol is not prominently advertised in or around the premises. In areas close to schools or other places where young people gather promotions should not be visible from the street.
  - In retail premises consider where alcohol is displayed – consider storing it behind the counter or tills and particularly away from the door or on the floor, thus reducing the chance of theft.

- Ensure a 'Challenge 25' policy is in place, and staff are fully conversant with the policy.
- Consider limiting sales of single bottles or cans below 1 litre of beer/lager/cider/spirit mixers, particularly with an ABV of 6.5% ABV or above, to reduce the availability to children and street drinkers.
- Consider removing high ABV beers/lagers, cider and spirit mixers (e.g. above 6.5% ABV) as there is evidence these products are used by street and dependent drinkers<sup>6</sup>.
- Restrict "special offers" like cheap shots, 'Happy Hours', Buy One Get One Free or buy 2 glasses of wine get whole bottle. This slows down consumption, the rate at which blood alcohol concentrations increase and the peak levels reached by drinkers. Rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour.

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Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play<sup>1</sup>.

To support organisations that come into contact with the public, or employ under 18s, the Medway Safeguarding Children Board (MSCB) and Medway Council suggests staff have access to safeguarding training and are briefed on local safeguarding initiatives.

Those who are licence/certificate holders and operators of licensed premises should ensure they are aware of the signs of child abuse and child sexual exploitation and how to raise concerns about perpetrators or victims in their areas.

The MSCB offers free online training covering a number of areas. These include an introduction to safeguarding children and a basic awareness of child and adult sexual exploitation. These courses do not take long and do not have to be completed in one sitting.

<http://www.mscb.org.uk/safeguardingtraining/e-learning.aspx>

Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity (a) in exchange for something the victim needs or wants, and/or (b) for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology.

Alcohol and drugs are often used to coerce children into sexual exploitation; the national picture of sexual exploitation demonstrates the use of licensed premises. This includes hotels where abuse may take place.

Across Kent and Medway Kent Police run Operation Willow. Members of the public can report any suspected child sexual exploitation by calling 101 and quoting "Operation Willow" or calling the Say Something Helpline anonymously on 116 600.

Promotional posters for Operation Willow to be displayed in hotels, taxis and pubs/restaurants can be found here:

<http://www.mscb.org.uk/practitionersandvolunteers/childsexualexploitation.aspx>

Members of the public who are concerned that a child or young person living in Medway is suffering harm they should contact 01634 334466 (Medway Council Children's Services). If a child is at immediate risk of harm then the police should be called on 999.

Further advice regarding safeguarding and promoting the welfare of children can be found on the MSCB website: [www.mscb.org.uk](http://www.mscb.org.uk)

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