



## Licensing Act 2003

### Draft Statement of Licensing Policy

May 2023 to April 2028

<b>Chapter</b>	<b>Heading</b>	<b>Page</b>
	Medway ward map	3
1	Introduction and legal context	4
2	Policy vision and strategic objectives	6
3	Applications	8
4	The Licensing Objectives	12
5	Impact of licensable activities by premises type	20
6	Cumulative Impact and Stress Area Policies	39
7	Conditions	40
8	Temporary Event Notice	41
9	Compliance and enforcement	43
10	Reviews	43
11	Removal of designated premises supervisor in a community premises	45
12	Suspension for non-payment	46
13	Personal licences	47
14	Early Morning Restriction Order	48
15	Late Night Levy	49
16	Sexual establishments	49
17	Planning	49
18	Discharge of functions	50

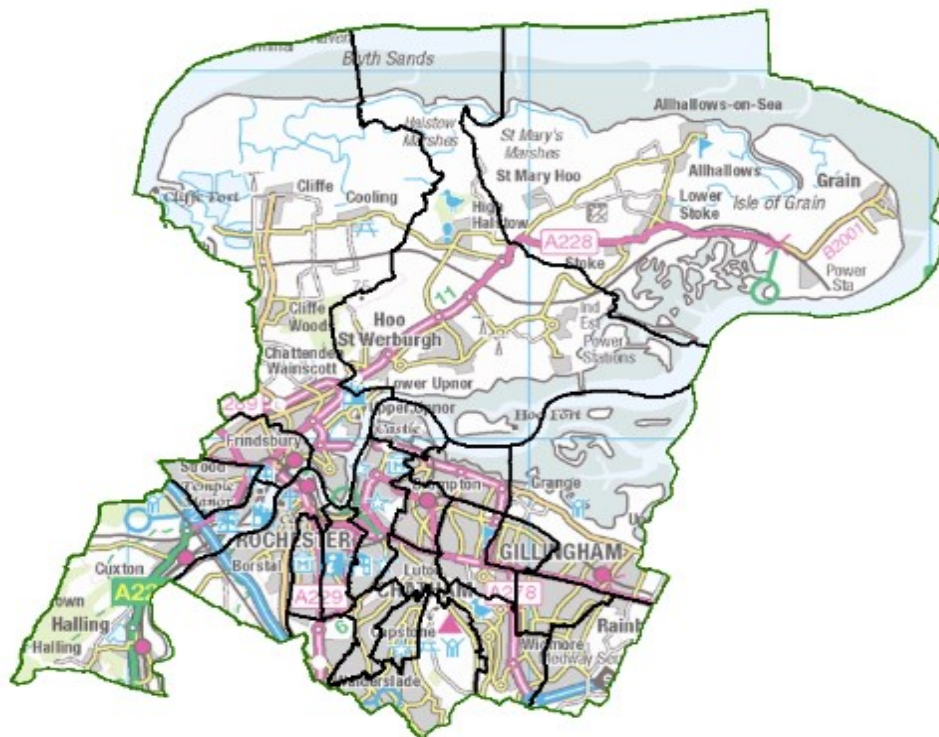
## **Appendices**

1	Licensable activities	51
2	Deregulation Schedule 1 – regulated entertainment	52
3	Temporary Event Notice	53
4	Mandatory conditions	57
5	Suggested premises licence conditions	63
6	Good practice guide	85
7	Useful information websites	
8	Delegated functions	122
9	Responsible authorities	124
10	Alcohol, health and licensing	125
11	Child safeguarding and Child Sexual Exploitation	130
12	Sexual harassment	131

# New political map for Medway Council

2nd March 2021

Medway Council is set to have new boundaries for its council wards.



## Medway ward map

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### 1. Introduction and legal context

- 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 the Authority has had regard to the nature of the area and the needs and wishes of local communities and business. The Authority has 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.'* [para 83]

*'An applicant who does not tailor his application to the policy therefore faces an uphill struggle.'* [para 86]

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, 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, - race, gender reassignment, marriage -and civil partnership, pregnancy and maternity, religion or belief, sex 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 is to aid everybody in the application process, and will be used as part of the decision-making process by the Authority and covers:
1. New applications
  2. Provisional statements
  3. Transfers
  4. Designated premises supervisor changes
  5. Variations
  6. Temporary event notices
  7. Personal licences
  8. Renewals, where applicable
  9. 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.

## 2. Policy vision and strategic objectives

'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 279'800\* in 2021 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's 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, 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 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.
- 2.5 The Authority has an important role in supporting Medway's cultural identity, which sets Medway 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 many days of festivals and events every year. There is a well-established urban regeneration programme that has brought universities to Medway with over 10,000 students, along with a host of associated economic and cultural benefits.
- 2.6 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 the Medway 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.
- 2.7 By working together with the licensing trade, responsible authorities and residents the Authority wants 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.
- 2.8 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.

- 2.9 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.
- 2.10 The Authority wants to work in partnership with residents, the licensed trade, responsible authorities and others:
1. To provide a safe environment for people to live in, work and enjoy.
  2. To broaden the appeal of the evening and night-time economy, while taking into account the needs of residents.
  3. To create an environment which attracts the appropriate investment and allows businesses to thrive and grow.
  4. To promote and support responsible alcohol retailing, while addressing the irresponsible sale of alcohol, particularly cheap high-strength products.
  5. To tackle alcohol related harm.
  6. To promote health and wellbeing, within the ambit of the four licensing objectives.

#### Reference

\*- [Medway population change, Census 2021 – ONS](#)

### 3. Applications

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 by retail of alcohol
- The supply of alcohol by or on behalf of a club
- 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:

1. Completion by the applicant of the application form including the operating schedule



2. Receipt and process of the application by the Council
3. The application will be granted if there are no outstanding relevant representations at the end of the consultation period **or** where outstanding relevant representations exist after the final date of consultation then a hearing would normally follow and the licensing sub-committee will make a decision on the application.
4. 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.

## POLICY 1

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*Applicants are required to produce an operating schedule included in 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*

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### 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 7. This list is not exhaustive and is advisory only. Parts of Appendix 10 – Alcohol, health and licensing may also be relevant.

- 3.6 The 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 9.

#### 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 4. 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 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 an application 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 in compliance with **Policy 18**.
- 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.

## 4. The Licensing Objectives

### 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
  - 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:
1. Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
  2. Giving the police and the Authority the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
  3. 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;
  4. Providing a strategic framework to support the determination of licensing applications, by reflecting the needs of local communities and empowering the Authority to make and enforce decisions about the most appropriate licensing strategies for its local area; and
  5. 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 7, 8, 9, 10, 11, 12, 13,**

**14, 15, 16 and 17**, 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 6 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 6 – Good practice guidance will be considered when the Authority's discretion is engaged, as will Appendix 5 – Suggested premises licence conditions.

#### 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, and the relationship between the two in Medway is outlined in Appendix 10 – Alcohol, health and licensing. 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 comments 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 6 – Good practice guide. Appendix 5 – Suggested conditions and Appendix 12 – Sexual harassment are also relevant.
- 4.12 The Authority will expect applicants to set out in detail, using the risk assessment and 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. Information and assistance with identifying relevant risks in particular areas can be found at Appendix 7 – Useful information websites and Appendix 10 – Alcohol, health and licensing.

*What the Authority will do*

- 4.14 The criteria used by the Authority in making a determination will be based on whether the premises make, 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 are 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.
1. Relevant staff training
  2. Security in and around the premises
  3. The levels of crime and disorder in and around the premises, including the control of conflict, violence and anti-social behaviour
  4. Drugs and weapons
  5. Theft from premises
  6. Disorder from customers
  7. The prevention of drunkenness, including the control of sales of alcohol to drunk persons
  8. Consumption of alcohol on the premises, but in the open air, such as in a licensed beer garden; off the premises such as in a non-licensed garden, or patio area next to a premises, and street drinking
  9. Tackling sexual harassment and discrimination
  10. Preventing the threat of terrorism
- 4.16 When its discretion is engaged the Authority may impose a range of conditions, in compliance with **Policy 18**, which may include those in Appendix 5 – Suggested conditions.

*The prevention of public nuisance*

- 4.17 Noise nuisance, particularly in residential areas, can disturb people in their homes, whether it is airborne 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 in 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 6 – Good practice guide. Appendix 5 – Suggested conditions is also relevant.
- 4.21 The Authority will expect applicants to set out in detail, using the risk assessment and 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 are 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. Information and assistance with identifying relevant risks in particular areas can be found at Appendix 7 – Useful information websites and Appendix 10 – Alcohol, health and licensing.

#### *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 quality 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:
1. Noise and vibration breakout from the premises
  2. Noise and nuisance from customers arriving and leaving the premises
  3. Noise and nuisance from customers using external areas, such as beer gardens
  4. Noise from staff, entertainers and contractors
  5. Litter and waste in and around the premises
  6. Disturbance from external lighting
  7. 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 18**, which may include those in Appendix 5 – Suggested conditions.

#### Public safety 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 6 – Good practice guide. Appendix 5 – Suggested conditions is also relevant.
- 4.29 The Authority will expect applicants to set out in detail, using the risk assessment and 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:
1. General safety of staff and customers
  2. Control of overcrowding
  3. Accumulation and disposal of glasses/drinking vessels
  4. Control of accidents or other emergency incidents on the premises
  5. Drug use and drink spiking
  6. 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 18**, which may include those in Appendix 5 – Suggested conditions.

#### The protection of children from harm

##### 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 6 – Good practice guide. Appendix 5 – Suggested conditions is also relevant.
- 4.36 The Authority expects applicants to consider the measures necessary in the risk assessment and 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. Further information and assistance in identifying relevant risks in particular areas can be found at Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing and Appendix 11 – Child safeguarding and Child Sexual Exploitation.

#### *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:
1. Children accessing licensed premises
  2. Child safeguarding
  3. Child sexual exploitation
  4. Underage sales of alcohol
  5. Access to age restricted films
  6. Access to age restricted gaming machines
  7. Access to entertainment of an adult nature
- 4.39 The Authority cannot impose conditions prohibiting the admission of children to any premises, believing this should remain a matter of discretion for the licence holder. The use of licensed 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 18**, which may include those in Appendix 5 – Suggested conditions.
- 4.40 The Authority cannot attach 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 exclusion of the sale of alcohol by retail from the scope of the licence;
- The exclusion of the supply of alcohol from the scope of the certificate Restricting the hours for the sale or supply 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 areas, 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:
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.
  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.
  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 Partnership (MSCP) 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 purposes 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 MSCP and Council expects staff to have access to safeguarding training and are briefed on local safeguarding initiatives. Full details of MSCP recommendations can be found at Appendix 11 – Child Safeguarding and Child Sexual Exploitation.

## **Films**

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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.

## 5. Impact of licensable activities by premises type

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 2–6**, contained in Chapter 4.

5.2 During the process for considering evidence for cumulative impact, addressed in Chapter 6, 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') 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 The policies outlined in this section do 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. Residents across Medway have raised concerns 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 related to licensed premises that are experienced by residents.

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 in the separate CIP and in parts of Appendix 10 – Alcohol, health and licensing. 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 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 nearly 850 licensed premises. Medway has an average of over 3. 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 100 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 one of the highest number of reported domestic abuse incidents in Kent 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,. 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:
1. Premises which extend the diversity of entertainment and attract a wider range of participants.
  2. Premises where the sale of alcohol is ancillary to other activities at the premises.
  3. 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.
  4. Exhibition and art venues.
  5. Theatres and cinemas.
  6. Restaurants and cafés where the sale of alcohol is ancillary to the sale of food.
  7. Community venues.
  8. Good quality hotels and other premises which support the tourism industry and complement Medway's heritage.
  9. 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 **Policies 2–6** referring to the promotion of the licensing objectives when completing their application, **Policy 7** concerning hours, and the premises specific Policies outlined below.
- 5.14 If the Authority's discretion is engaged, it will be for the members of the Licensing Committee to decide if a specific premises falls within the relevant policy on the evidence provided.

## Hours Policy 7

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

*It is the policy of the Authority, when its discretion is engaged on receipt of relevant representations, that hours within the criteria for individual types of licensed premises as set out in Policies 8–17 will, in general, be granted, subject to their 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 of crime, disorder and nuisance, 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 best placed 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 **Policy 7** 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 to be 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 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

### 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 Policies 2, 3, 4, 5 and 6 (including Appendices 5 and 6 – Suggested conditions and Good practice guide) and Policy 7.*

*In addition, the Authority will, when its discretion is engaged, determine applications for those premises in a Cumulative Impact Policy Area by further reference to the Cumulative Impact Policy.*

*This policy applies to premises being used exclusively or primarily for the sale or 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 Riverside 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:



1. Premises which extend the diversity of entertainment and attract a wider range of participants.
2. 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 **Policies 2–7**.

- 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 operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2–6** (including Appendices 5 and 6 – Suggested conditions and Good practice guide, and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing Appendix 11 – Child safeguarding and Child Sexual Exploitation and Appendix 12 – Sexual harassment).

- 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 operating schedule to propose 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 are a matter for the applicant, the licensing committee, if their discretion is engaged, will expect an explanation if these issues are not adequately addressed.
- 5.27 The sale of alcohol for consumption off the premises and activities, 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 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.

- 5.29 Where there are relevant representations and the operating schedule departs from **Policy 8** 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.
- 5.30 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.

#### 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 5 and 6 - Suggested conditions and Good practice guide) and Policy 7.*

*In addition, the Authority will, when its discretion is engaged, determine applications for those premises in a Cumulative Impact Policy Area by further reference to the Cumulative Impact Policy*

*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 operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing Appendix 11 – Child safeguarding and Child Sexual Exploitation and Appendix 12 – Sexual harassment) and **Policy 7**.
- 5.33 If the application for the hours of licensable activity and operation is generally beyond:
- 0900 - 2300 hours Sunday to Thursday

- 0900 - 0200 on Friday and Saturday

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

*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 **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.
- 5.35 Where there are relevant representations and the operating schedule departs from **Policy 9** 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.
- 5.36 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  
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 Policies 2, 3, 4, 5 and 6 (including Appendices 5 and 6 – Suggested conditions and Good practice guide) and Policy 7.*

*In addition, the Authority will, when its discretion is engaged, determine applications for those premises in a Cumulative Impact Policy Area by further reference to the Cumulative Impact Policy. 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% alcohol by volume (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 shows itself 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 highest increase over the last 5 years. 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 antisocial 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 the alcohol related harms.

The Authority will broadly support applications which demonstrate compliance with **Policies 2–7**.

#### *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 **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing and Appendix 11 – Child safeguarding and Child Sexual Exploitation).
- 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 **Policies 5 and 6**.

#### *What the Authority will do*

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 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.

- 5.47 Where there are relevant representations and the operating schedule departs from **Policy 10** 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.
- 5.48 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 include 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 also be of concern. This is because the Authority knows 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% ABV 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

### 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 5 and 6 – Suggested conditions and Good practice guide) and Policy 7.*

*The Authority, when its discretion is engaged, will determine applications for those premises in a Cumulative Impact Policy Area by reference to the Cumulative Impact Policy*

*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:

1. Family friendly venues, where adults and children can go. These may be specific places where children attend, but can also be premises mainly appealing to adults, but which also have a provision for children.
2. Restaurants and cafés where the sale of alcohol is ancillary to the sale of food.
3. 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 2–6**.

*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 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing and Appendix 11 – Child safeguarding and Child Sexual Exploitation).

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 operating schedule to include 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. 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 **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.

5.56 Where there are relevant representations and the operating schedule departs from **Policy 11** 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.

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

- 5.58 When considering applications for restaurants and representations are made, the Authority will take into account the increased likelihood of disturbance from activities late at night and will give specific consideration to restricting the hours if this 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 Policies 2, 3, 4, 5 and 6 (including Appendices 5 and 6 - 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 takeaway 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*

- 5.59 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.
- 5.60 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.
- 5.61 These issues are of particular concern in the Cumulative Impact Policy area, 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*

- 5.62 The Authority expects a detailed risk assessment and operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and



licensing and Appendix 11 – Child safeguarding and Child Sexual Exploitation).

5.63 Generally late-night fast food premises will be expected to be closed at:

- Midnight Sunday to Thursday
- 0200 hours Friday and Saturday

and the Authority will expect the risk assessment and operating schedule to include 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*

5.64 If its discretion is engaged the Authority will take into account **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.

5.65 Where there are relevant representations and the operating schedule departs from **Policy 12** 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.

5.66 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 premises are in a residential area, on a route away from late-night licensed premises, or close to late-night licensed premises.

5.67 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 include proposed 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

##### 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 5 and 6 - Suggested conditions and Good practice guide) and Policy 7.*

*When relevant the Authority, when its discretion is engaged, will determine applications for those premises in a Cumulative Impact Policy area by further reference to the Cumulative Impact Policy*

*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
- Internet Sales

'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*

- 5.68 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 and visitors 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*

- 5.69 The Authority expects a detailed risk assessment and operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2–6** (including Appendices 5 and 6 – Suggested conditions and Good practice guide and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing Appendix 11 – Child safeguarding and Child Sexual Exploitation and Appendix 14 – Sexual harassment).
- 5.70 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.
- 5.71 Bars are, however, 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*

- 5.72 The Authority wants to promote a variety of non-alcohol led activities in licensed premises in Medway and generally supports these types of businesses.
- 5.73 The Authority will take into account **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.
- 5.74 Where there are relevant representations and the operating schedule departs from **Policy 14** 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.
- 5.75 Where these types of premises give rise to public nuisance and impact on residents the Authority, when its 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*

##### **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 Policies 2, 3, 4, 5 and 6 (including Appendices 5 and 6 - Suggested conditions and Good practice guide) and Policy 7.*

*When relevant the Authority, when its discretion is engaged, will determine applications for those premises in a Cumulative Impact Policy Area, by further reference to the Cumulative Impact Policy*

*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*

- 5.76 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 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing Appendix 11 – Child safeguarding and Child Sexual Exploitation and Appendix 14 – Sexual harassment).
- 5.77 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 to 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*

- 5.78 The Authority expects a detailed risk assessment and operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide).
- 5.79 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 operating schedule to propose 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*

- 5.80 The Authority will take into account **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 20** in Chapter 7.
- 5.81 Where there are relevant representations and the operating schedule departs from **Policy 15** 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.
- 5.82 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:
- 5.82.1.1 the extent and frequency of any application for this type of event
  - 5.82.1.2 its location, particularly if it is in, or close to, a residential area
- 5.83 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 include proposed specific measures to address **Policy 7**. If they are not it is likely the extended hours will be refused.
- 5.84 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 are 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 5 and 6 - Suggested conditions and Good practice guide) and Policy 7.*

*The Authority, when its discretion is engaged, will determine applications for those premises in a Cumulative Impact Policy Area by reference to the Cumulative Impact Policy*

*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 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*

- 5.85 The Authority wishes to encourage good quality hotels which will enhance and complement our heritage and cultural offer in order to encourage tourist and business travellers.

### *Expectation of the Authority*

- 5.86 The Authority expects a detailed risk assessment and operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2–6** (including Appendices 5 and 6 – Suggested conditions and Good practice guide and relevant parts of Appendix 7 – Useful information websites, Appendix 10 – Alcohol, health and licensing Appendix 11 – Child safeguarding and Child Sexual Exploitation and Appendix 13 – Sexual harassment).
- 5.87 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

And the Authority will expect the risk assessment and operating schedule to include proposed specific measures to promote the four licensing objectives and reference

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**Policy 7.** If they are not, it is likely extended hours will be refused or imposed.

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

*What the Authority will do*

- 5.89 The Authority will take into account **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.
- 5.90 Where there are relevant representations and the operating schedule departs from **Policy 16** 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.
- 5.91 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 include proposed specific measures to address **Policy 7**. If they are not it is likely the extended hours will be refused.

Delivery/Distribution Centres for Internet only sales of alcohol  
**POLICY 17**

*It is the policy of the Authority, when its discretion is engaged, to determine applications and reviews for premises used as distribution/delivery centres for internet sales of alcohol where orders are taken on-line and deliveries made by mail order having regard to Policies 2, 3, 4, 5 and 6 (including Appendices 5 and 6 - Suggested conditions and Good practice guide) and Policy 7.*

*Subject to the promotion of the licensing objectives outlined elsewhere in this policy, the Authority will have regard to the Cumulative Impact Policy when determining these applications*

*This applies to non-commercial premises predominantly in a residential area that intend to temporarily store alcohol for mail order/courier delivery to a customers home, workplace or other workplace location*

*Reason for the policy*

Internet based sales has seen a large increase due to the COVID pandemic and entrepreneurs have found new ways of working during the lockdown. This has resulted in an increase in the number of premises licence applications for internet businesses that sell alcohol through global internet platforms where entrepreneurs act as intermediaries between a wholesaler and the end user/customers.

### *Expectation of the Authority*

The Authority expects a detailed risk assessment and operating schedule, as outlined in **Policy 1**, to address the considerations outlined in **Policies 2–6** (including measures to prevent underage sales from taking place on the internet)

These businesses generally:

- store minimum quantities of alcohol for a temporary period
- operate generally during standard workday hours and not on bank holidays or Sundays
- Will not have members of the public attending the premises
- Will only have deliveries made during weekdays or Saturdays
- Premises will be located in a residential area

### *What the Authority will do*

- 5.92 The Authority will take into account **Policies 2–6** (including Appendices 5 and 6 - Suggested conditions and Good practice guide) when making a determination and set any appropriate conditions in compliance with **Policy 18** in Chapter 7.
- 5.93 Where there are relevant representations and the operating schedule departs from **Policy 17** 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.
- 5.94 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 include proposed specific measures to address **Policy 7**. If they are not it is likely the extended hours will be refused.

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

- 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 already 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 they would then 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.

This Authority has adopted a cumulative impact policy and this can be viewed on the following link

## 7. Conditions

### POLICY 18

*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 proportionate and 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, proportionate, appropriate and enforceable. Conditions will be focussed 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 5 should ensure that the conditions apply specifically to the premises and meet the criteria of clarity, proportionality, 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 5 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 4 for the full list of mandatory conditions.
- 7.7 The Authority will avoid imposing conditions, as far as is possible, which duplicate other regulatory regimes.

## 8. Temporary Event Notices

### Reason for the policy

- 8.1 The Act provides for licensable activities to take place by way of a temporary event notice (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 sent electronically).

### POLICY 19

*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 20

*When considering representations to temporary event notices from the police or environmental health, the Authority will take the following factors into account:*

- 1. Circumstances of the objection*
- 2. Location of premises i.e. within a cumulative impact policy area or stress area*
- 3. The applicant's willingness to comply with the conditions attached to the premises licence, if applicable*
- 4. History of complaints*
- 5. The track record of the applicant*

6. *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 **Policies 2–6** (including Appendix 6 - Good practice guide) and **Policy 7** applicable. This is of particular relevance for the following premises:
1. A nightclub or public house with the provision of entertainment.
  2. Where the event is to run any time between the hours of 23:00 and 08:00.
  3. Where the event is to be promoted or advertised to the public any time before the event.
  4. Where the event predominantly features DJs or MCs performing to a backing track.

This is also particularly relevant in areas within a cumulative impact policy 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 in the Cumulative Impact Policy.

*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, hold a hearing to consider the objection (unless all parties agree that this unnecessary). The licensing sub-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 sub-committee 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 committee 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 Authority 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.

## 9. Compliance and enforcement

- 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 and public hearing'.
- 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. #
- 9.4 In particular, compliance and enforcement action will have regard to:
1. Risk assessment – i.e. focussing on activities that give rise to the most serious risks or where hazards are least well controlled.
  2. Consistency – i.e. similar approaches in similar circumstances to achieve similar ends.
  3. Transparency – i.e. helping licensees to understand what is expected and distinguishing between statutory requirements and guidance.
  4. 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:
1. Responsible authorities.
  2. Other enforcement agencies as appropriate (e.g. HM Revenue and Customs, UK Visas and Immigration).

## 10. Reviews

### POLICY 21

*The Authority will apply the full range of powers available on receipt of an application for 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*
- *Modifying existing conditions or 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 for reviewing a premises licence under the Act 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 Authority.

#### *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 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 22

*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.

- 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.

### 11. Removal of requirement for a designated premises supervisor in a community premises

- 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:
1. How the premises are predominately used.
  2. If they are genuinely made available for community benefit most of the time.
  3. 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.

## 12. Suspension for non-payment

### POLICY 23

*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 Finance Department and payment is due within 14 days of the invoice date. Should payment not be received the Council will call the licence holder or make a visit to the premises to advise the licence holder of failing to pay the annual fee and will serve a Notice of Intention to Suspend the Premises Licence/Club Premises Certificate. At this point, should payment not be received within 21 days, the licence or certificate will be suspended.
- 12.7 The fees are set with the aim of recovering the Authority's 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.

## 13. Personal licences

### POLICY 24

*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 does not have a relevant criminal conviction and is entitled to work in the UK. In these circumstances the application must be granted unless the applicant is already in possession of a personal Licence. This policy does not affect 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:
1. The seriousness and relevance of the conviction(s).
  2. Whether the conviction is classed as spent under the Rehabilitation of Offenders Act 1974 (as amended).
  3. The period that has elapsed since the offence(s) were committed.
  4. Any mitigating circumstances.

For applications made on or after 6 April 2017, where an applicant's immigration permission to live and work in the UK is time-limited, a personal licence may be issued but will become invalid when the immigration permission expires. In the event that the Home Office cuts short or ends a person's immigration permission (referred to as curtailment or revocation), any licence issued in respect of an application made on or after 6 April 2017 will automatically lapse

- 13.3 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.
- 13.4 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.
- 13.5 In accordance with the Deregulation Act 2015, any Personal Licence due 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 by the Court, suspended or revoked by the Licensing Authority.

## 14. Early Morning Restriction Order (EMRO)

- 14.1 This Authority does not currently have in place an early morning restriction order.
- 14.2 Early morning restriction orders (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 Authority will need to be satisfied that the request for an EMRO is appropriate for the promotion of the licensing objectives and for a specified period between 12 midnight and 0600 hours and in relation a particular area, which may be the whole or part of the local authority area.
- 14.4 The 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:
1. Local crime and disorder statistics, including statistics on specific types of crime and hotspots
  2. Local anti-social behaviour statistics
  3. Health related statistics such as alcohol related emergency attendances and hospital admissions
  4. Environmental health complaints, particularly in relation to litter and noise.
  5. Complaints recorded by the local authority, which may include complaints raised by local residents or residents associations
  6. Residents questionnaires
  7. Evidence from local councillors
  8. 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 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 the rate of occurrence of criminal activity, anti-social behaviour, examples of public nuisance and under age drinking at key times and locations. Where observations determine that such incidents are 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 In addition to its own evidence of the impact licensable activities have within its area, the Authority may take into account the times at which licensable activities take place. Further information which the Authority may consider includes:

1. Trends in licence applications, particularly trends in applications by types
-



- of premises and terminal hours.
- 2. Changes in terminal hours of premises.
- 3. Premises capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times.

## 15. Late Night Levy

- 15.1 This Authority does not currently have in place a late-night levy.

## 16. Sex establishments

- 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 the [policy for guidance](#).
- 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.

## 17. Planning

### Policy 25

*It is the policy of the Authority that applicants 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.

## 18. Discharge of functions

- 18.1 A list of the scheme of delegations approved by members is attached as Appendix 8 (this may be amended from time to time in line with the Council Constitution and/or changes in any relevant legislation).

## Appendix 1. Licensable activities

1. The Licensing Act relates to the sale of alcohol, the provision of certain entertainment and late-night refreshment.
2. Activities that require a licence under the Licensing Act and covered by this Policy Statement include:
  - a. Retail sale of alcohol
  - b. Supply of hot food or drink from premises from 23.00 to 05.00 hours
  - c. Supply of alcohol to club members
  - d. Provision of regulated entertainment listed below. *Please see exemptions listed at Appendix 2*
    - i. film exhibitions
    - ii. performance of a play
    - iii. indoor sporting events
    - iv. boxing or wrestling entertainment
    - v. some live music performances
    - vi. playing of recorded music
    - vii. dance performances
    - viii. provision of facilities for making music
    - ix. provision of dancing facilities
3. The Licensing Act prescribes:
  - a. Personal licences which cover the licensing of individuals for the retail sale of alcohol
  - b. Premises licences which cover the retail sale of alcohol, the provision of regulated entertainment and the provision of late-night refreshment
  - c. Club premises certificates which are required to allow the supply of alcohol or the provision of regulated entertainment to certain clubs
  - d. Temporary event notices which are required for certain licensable activities on a temporary basis

## Appendix 2. Deregulation of Schedule 1 – regulated entertainment

1. The government has sought 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.
2. 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.
3. 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 0800 and 2300 hours	no more than 500 people	
Live Music (Unamplified)	anywhere	between 0800 and 2300 hours	no more than 500 people	
Recorded Music	a licensed premises; and/or an unlicensed community premises; and/or non-residential premises of a local authority, a school or a hospital	between 0800 and 2300 hours	no more than 500 people	When in unlicensed community premises; and/or non-residential premises of a local authority, a school or a hospital, consent must be obtained from the person responsible for the premises
Dance		between 0800 and	no more than 500 people	

		2300 hours		
Plays / Theatrical Performances		between 0800 and 2300 hours	no more than 500 people	
Films (in Community Premises)		between 0800 and 2300 hours	audiences of 500 or less	<ul style="list-style-type: none"> <li>• is 'not-for-profit';</li> <li>• Obtains consent to the screening from the person responsible for the premises; and</li> <li>• is held in accordance with any age classification recommendations set by the BBFC, or where different, any age rating set by the Licensing Authority in whose area that exhibition takes place.</li> </ul>
Indoor Sporting Events		between 0800 and 2300 hours	no more than 1000 people	
Boxing / Wrestling (includes Mixed Martial Arts and Cage Fighting)			no more than 1000 people	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 and 2300 hours	no audience limitations	
Live and Recorded Music	Activities held on local authority, hospital, nursery and school	between 0800 and 2300 hours		

	premises by others with their permission			
Live and Recorded Music	Community premises (e.g.: church and village halls, community halls, etc.)	between 0800 and 2300 hours		
Live and Recorded Music, Plays, Dance and Indoor Sports	Circuses	between 0800 and 2300 hours	no audience limitations	

Overview of circumstances in which entertainment activities are not licensable:

- a. activities which involve participation as acts of worship in a religious context or which take place in places of public religious worship;
- b. education – teaching students to perform music or to dance;
- c. the demonstration of a product such as a guitar in a music shop;
- d. the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit;
- e. Morris dancing (or similar);
- f. incidental music – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- g. incidental film – an exhibition of moving pictures if it is incidental to some other activity;
- h. a spontaneous performance of music, singing or dancing;
- i. garden fetes – or similar if not being promoted or held for purposes of private gain;
- j. films for the purposes of advertisement, information or education or in museums or art galleries;
- k. television or radio broadcasts – as long as the programme is live and simultaneous;
- l. vehicles in motion – at a time when the vehicle is not permanently or temporarily parked.
- m. games played in pubs and youth clubs such as pool, darts, table tennis and billiards;
- n. stand-up comedy
- o. provision of entertainment facilities such as dance floors.

## Appendix 3. Temporary Event Notices (TENs)

### Limitations for Temporary Event Notices

1. 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.
2. For the purposes of determining the overall limits of 50 temporary event notices per licence holder (in a calendar year) and of five for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices.

An 'associate' of the proposed premises user is:

- a. the spouse of that person;
  - b. a child, parent, grandchild, grandparent, brother or sister of that person;
  - c. an agent or employee of that person; or
  - d. spouse of a person within (2) or (3).
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.
  4. The limitations apply to:
    - a. the number of times a person (the 'premises user') may give a temporary event notice (TEN):
      - o Personal Licence Holder: 50 standard Temporary Event Notices, or 10 late temporary event notices
      - o Non Personal Licence Holder: 5 standard Temporary Event Notices, or 2 late temporary event notices
    - b. the number of times a TEN may be given in respect of any particular premises: (20 times in a calendar year);\*
    - c. the length of time a TEN may last for these purposes (168 hours);
    - d. the maximum aggregate duration of the periods covered by TENs at any individual premises: (26 days per calendar year); \*
    - e. the scale of the event in terms of the maximum number of people attending at any one time: (a maximum of 499).
  5. If a notice has been given and the limitations have been exceeded, then a counter notice will be issued and the event cannot proceed as planned.
  6. Notices should be submitted online insert link for convenience so that electronic copies can automatically be sent to Environmental Health and the Chief of Police

### Standard Temporary Event Notice (STEN)

It is a requirement that you submit your notice to the 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)**

7. It is a requirement that you submit your notice to the 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.
  
8. If there is an objection from either the police or environmental health, the event will not go ahead and a counter notice will be issued.

\* The current limits reflect the increase in limits specified in the Alcohol Licensing (Coronavirus) (Regulatory Easements) (Amendments) Regulations 2021 and remain in force until 31 December 2023. These limits will be subject to amendment following any further legislative changes.



## Appendix 4. Mandatory conditions

### Introduction

1. Guidance on mandatory conditions can be found in the [Section 182 Statutory Guidance](#).
2. See specific Government [guidance on mandatory conditions](#).
3. 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

4. It is the responsibility of the premises licence holder, club premises certificate holder and responsible person to ensure they comply with the mandatory conditions.
5. These conditions apply to all premises licences and club premises certificates which authorise the sale or 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.
6. 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.
7. This document contains five sets of conditions:
  - a. Conditions where alcohol may be supplied for consumption on the premises.
  - b. Conditions where alcohol may be supplied for consumption off the premises.
  - c. Conditions for door supervision - except theatres, cinemas and bingo halls.
  - d. Conditions for films.
  - e. Conditions for the supply of alcohol on or behalf of a club

### 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 or their 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 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.

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: 25ml or 35ml; and
    - iii. still wine in a glass: 125ml;
  - 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.
- (2) For the purpose of the condition set out in paragraph (1): -
- a. "duty" is to be construed in accordance with the Alcohol Liquor Duties Act 1979(6);
  - 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 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(7)

- (3) Where the permitted price given by paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by the sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph (2) on the day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### 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 or their 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. (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.
    - (2) For the purpose of the condition set out in paragraph (1): -
      - a "duty" is to be construed in accordance with the Alcohol Liquor Duties Act 1979(6);
      - 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 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(7)
- (3) Where the permitted price given by paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by the sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (1) Sub-paragraph (2) applies where the permitted price given by paragraph (b) of paragraph (2) on the day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### 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, the licence must include a condition that 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 that Act.
- (2) But nothing in subsection 1 required 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 (c.12) (premises with premises licences authorizing 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 authorizing 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).
- (3) For the purpose of this section –
- a) “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
  - b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that schedule.

### 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).

### Mandatory Conditions for the supply of alcohol on or behalf of a club

- 1** The purchase of alcohol for the club and the supply of alcohol by the club are managed by a committee, the members of which must be 18 years of age or over, be members of the club and have been elected by other members of the club to sit on the committee.
- 2** That there are no arrangements in place for anyone to receive any commission, percentage or similar payment at the expense of the club based upon purchases of alcohol made by the club.
- 3** That there are no arrangements in place for anyone to receive any direct or indirect monetary benefit from supplying alcohol on behalf of the club to members or guests, unless the benefit is one for the whole

## Appendix 5. Suggested conditions

### Introduction

1. The Council has prepared this pool of example conditions in line with the Licensing Act 2003.
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.
3. Licensing conditions are added to licence as follows:
  - a. Mandatory Conditions set by Government (cannot be reworded)
  - b. Operating Schedule Conditions will be added from the applicant's 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)
  - c. Committee Conditions can be imposed following a hearing (cannot be reworded)
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.
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.
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

7. All conditions must relate to the promotion of the licensing objectives. These are:
  - a. The prevention of crime and disorder
  - b. Public safety
  - c. The prevention of public nuisance
  - d. The protection of children from harm

## Home Office guidance

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 prescriptively worded format, clearly understandable, unambiguous and enforceable.
9. 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'.
10. Use wording which is precise such as 'must', 'shall' and 'will'.

## Information Commissioner's Office Guidance - Surveillance conditions

The steady growth of the use of video surveillance systems across public and private sectors, has led to closed circuit television (CCTV) becoming more accepted in society. As video surveillance technology becomes more mainstream and affordable, it is now more common to see technologies such as Facial Recognition Technology (FRT) in public spaces. Often they process the personal data of large numbers of the general public for security, crime prevention or for other specified purposes such as digital advertising. However, some of these uses can be particularly intrusive, especially if processing takes place without the knowledge of the individual.

Building public trust and confidence is essential to ensuring that the benefits of any new technology can be realised. The public must have confidence that the use of surveillance systems is lawful, fair, transparent and meets the other standards set in data protection law. The rights and freedoms of individuals can be greatly affected where decisions are made about them based on particularly intrusive means of processing personal data.

Guidance is clear that the use of surveillance ie CCTV must be in accordance with the principles set down in the ICO guidance

## Issues and factors to consider

11. The following suggestions are not intended to be an exhaustive list and it is essential that, wherever the conditions are used, they must:
  - a. be specific to the premises
  - b. not duplicate existing provisions – other legislation
  - c. be necessary and proportionate (supported by evidence)
  - d. be capable of being met by the management/staff
  - e. concern an issue that is in the control or influence of the premises licence holder



## Operating schedule

12. Any applicant in preparing an operating schedule, is at liberty to volunteer measures, they intend to take to promote the licensing objectives.
13. 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.
14. 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 6 – Good practice guide. Some may apply to more than one of the objectives:

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

### Index

<b><u>Condition</u></b>	<b><u>Reference number</u></b>
Admittance and re-admittance	CD1
Adult entertainment	CH1–3
Alcohol – authorisation by a personal licence holder	CD2
Alcohol – off sales (pubs and restaurants)	CD8–9
Alcohol – off sales (shops)	CD10–13
Alcohol – restaurant	CD4–5
Alcohol – strength	CD6–7
Alcohol sales – out of permitted hours	CD16
Alcohol sales – takeaways	CD14–15
Bottle bins	PS3

Bottles/glasses	CD17–22
CCTV	CD23
Challenge 25	CH4
Children on licensed premises	CH5–8
Clear glazing policy	PN1
Consumption of hot food/drink after 2300 hours	PN2
Crime prevention – cloakroom attendant	CD24–25
Crime prevention – notices	CD26
Dispersal policy	CD27
Door supervisors	CD28–33
Drugs/substance misuse	CD36–38
Drunkenness	CD34–35
Flyers/promotional material	PN3
First aid	PS1
Glass/bottle collection	PS2
ID scanning	CD39
Incident log	CD40
Large scale events – over 500 people	CD41–43
Large scale events – over 500 people - noise	PN4–9
Licensable activities ancillary to main function	CD44
Noise and vibration	PN10–21
Notices and signage – noise	PN22–23
Notices and signage – permitted hours	PN24
Outside areas – garden and patio areas	PN25–27
Outside areas – regulated entertainment	PN30–31
Outside areas – smoking	PN32–35
Outside areas – tables and chairs	PN28–29
Promotional material	CH9
Proxy sales	CH10
Queues	PN36–37
Refusals book	CH11
Resident communication	PN38–40
Safeguarding/Child Sexual Exploitation	CH12–13

Searching	CD45–49
Security policy	CD50
Staff levels	CD51
Staff training	G1
Taxis	PN41
Terrorism	CD52
Waste disposal & litter	PN42–45

## **General**

	<b>Suggested wording</b>
	<b>Staff training</b>
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 in hard copy.</li> </ol>

## **The prevention of crime and disorder**

	<b>Suggested wording</b>
	<b>Admittance and re-admittance</b>
CD1	<p>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.</p>

	<b>Alcohol authorisation by a personal licence holder</b>
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.
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>
CD4	This premises must only operate as a restaurant in which: <ol style="list-style-type: none"> <li>1. Customers are seated at a table.</li> <li>2. A substantial table meal, served at a table using non-disposable cutlery and crockery.</li> <li>3. No takeaway service of food or drink is provided 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>
CD5	The supply of alcohol shall be by waiter or waitress service only.
	<b>Alcohol – strength</b>
CD6	No beer, lager, cider or spirit mixer above 5.5% ABV will be sold.
CD7	No miniature bottles of spirits of 20cl or below shall be sold from the premises.
	<b>Alcohol – off sales (pubs and restaurants)</b>
CD8	There shall be no sales of alcohol for consumption off the premises after { <i>time</i> }.
CD9	Alcohol sold for consumption outside the premises shall only be to patrons seated at tables.
	<b>Alcohol – off sales (shops)</b>
CD10	No alcohol will be displayed within { <i>distance</i> } of any access points from the street.

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

	<b>CCTV</b>
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 record 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, with recordings correctly time and date stamped. Recordings MUST be kept in date order, kept for a period of 31 days and handed to police and authorised officers on demand.</li> <li>3. There should always be a member of staff on duty who can operate the CCTV system and burn off footage for Police and authorised officers if requested.</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 and endorsed by signature, indicating the system has been checked and is compliant. In the event of any failures, any action taken is 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.police.uk">licensing.north.division@kent.police.uk</a>).</li> <li>7. You must notify the Information Commissioners Office (ICO) of the CCTV system in your licensed premises (<a href="http://ico.org.uk">ico.org.uk</a>).</li> </ol>
	<b>Crime prevention – cloakroom/toilet attendant</b>
CD24	An attendant shall be on duty in the cloakroom during the whole time that it is in use.
CD25	An attendant shall be on duty in the toilet during { <i>time</i> } on { <i>days</i> }.
	<b>Crime prevention – notices</b>
CD26	The premises licence holder will display suitable notices at the premises warning customers of the prevalence of crime which may target them { <i>for example pick pockets, bag snatchers, spiked drinks</i> } and the need to guard their property and not leave property unattended.

	<p><b>Dispersal policy</b></p>
<p>CD27</p>	<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 so as to not disturb neighbours in the vicinity.</li> <li>2. Displaying notices outside where the queue is formed asking them customers to be quiet or they will be refused entry.</li> <li>3. Displaying numbers for taxi firms inside.</li> <li>4. Providing an area inside to enable persons to contact taxi firms in a quiet location rather than go outside.</li> <li>5. Moving people away from the premises who are standing around talking to others.</li> <li>6. Refusing entry or banning those who repeatedly cause a nuisance by noise and rowdy behaviour.</li> <li>7. Providing a queuing system in the foyer for those waiting on taxis rather than sending them outside to wait.</li> <li>8. Refusing entry to new customers after <i>{ time}</i>.</li> <li>9. Implementing 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 marker).</li> </ol>
	<p><b>Door supervisors and their responsibilities</b></p>
<p>CD28</p>	<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:</p> <ol style="list-style-type: none"> <li>1. Names, addresses and telephone numbers of the members 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. 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. 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>

CD29	When the premises are 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.
CD30	A minimum of {number} door supervisors must be on duty between {time} and {time} on {days}.
CD31	<p>There will be a door control policy that outlines clear instructions and understanding of the door supervisors' responsibilities at the premises. This policy will contain procedures for the following:</p> <ol style="list-style-type: none"> <li>1. Prevention by door staff of overcrowding.</li> <li>2. Supervising the queue to ensure that it is managed in a way that avoids rowdy, unpleasant behaviour and to keep customers quiet so as to not disturb neighbours in the vicinity.</li> <li>3. A procedure for door staff engaged in searching persons as a condition of entry.</li> <li>4. Ensuring the dispersal of patrons from the curtilage and grounds of the licensed premises immediately after the end of licensable activities.</li> <li>5. Preventing patrons from leaving the premises with open containers and bottles.</li> <li>6. Providing evidence by written statement to police in any criminal investigation as and when required.</li> </ol>
CD32	Door supervisor(s) will be stationed at {location} between {time} and {time} until 30 minutes after closure to assist with dispersal of customers from the premises.
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>
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 {**} monthly intervals. Training records shall be made available for inspection upon request by a police officer or an authorised officer of the Authority.



CD35	The premises shall display prominent signage at <i>{location}</i> indicating that it is an offence to sell alcohol to anyone who is drunk.
<b>Drugs/substance misuse</b>	
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.
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.
CD38	Information regarding drugs awareness shall be displayed at the premises.
<b>ID scanning</b>	
CD39	<p>The premises must 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 person's fingerprint, photograph or other means of biometric data. This system will be 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>	
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> </ol>

	<p>5. All seizures of drugs or offensive weapons.</p> <p>6. Any faults in the CCTV system, searching equipment or scanning equipment.</p> <p>7. Any refusal of the sale of alcohol.</p> <p>8. Any visit by a relevant authority or emergency service.</p>
<b>Large scale events – over 500 people – general</b>	
CD41	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 to 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 requires 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.
CD42	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 { <i>number</i> } persons.
CD43	Police (Licensing and Events Team) to be notified at Safety Advisory Group of events providing licensable activities at the premises.
<b>Licensable activities ancillary to main function</b>	
CD44	The licensable activities authorised by this licence and provided at the premises shall be ancillary to the main function of the premises such as { <i>offices / delicatessen / museum / theatre / hairdressers / private hire / other</i> }.
<b>Searching</b>	
CD45	A door supervisor will undertake body searches of patrons prior to entry to the premises.
CD46	There will be at least one male and one female door supervisor available to undertake body searches of the same gender.
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.

CD48	All persons entering or re-entering the premises must be searched by a door supervisor.
CD49	The Licence holder shall erect and maintain clear and prominent notices on the exterior of their premises advising those attending that: <ol 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> </ol>
<b>Security policy</b>	
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>	
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>	
CD52	Staff training shall include procedures to deal effectively with emergency incidents, including: <ol 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> </ol>

## Public safety

	Suggested wording
	<b>First aid</b>
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 a 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>
PS2	Every {number} minutes all empty drinking vessels, bottles or containers will be collected and cleared away.
	<b>Bottle bins</b>
PS3	Bottle bins will be kept secure and away from public areas.

## The prevention of public nuisance

	Suggested wording
	<b>Clear glazing policy</b>
PN1	A 'clear glazing' policy shall be implemented at the premises above {number} metres and below {number} metres 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>
PN2	There shall be no sales of hot food or hot drink for consumption off the premises after 2300 hours.
	<b>Flyers/promotional material</b>
PN3	No advertisement 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>
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 shall have access to the results of the noise monitoring undertaken during the event and be provided a written report including date, time period, noise levels, monitoring locations and details of actions taken if a breach of noise criteria occurred. The report must be submitted to Environmental Health no later than 3 weeks after the event.
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.
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.
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.
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.
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 Environmental Health shall have access to the results for the noise monitoring at any time.
	<b>Noise and vibration</b>
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 a self-closing mechanism that will enable these doors to automatically close once persons enter or leave the premises.
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 by walking outside around the premises on all sides where there are residential properties. Sound checks must be made at the start of the event and at intervals of no less than one every hour until the end of the event. 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> </ol>
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's Environmental Health an acoustic report prepared by a 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 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.</li> <li>2. Any work to the building or system must be carried out as per the report's recommendations.</li> </ol>

	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.
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, be notified its completion and approved in writing by them before regulated entertainment can take place.
PN14	A noise limiting device shall be installed, operated and maintained so 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.
PN15	The <i>{doors/windows}</i> at <i>{specific location}</i> shall be fitted with <i>{double/secondary}</i> glazing.
PN16	A <i>{sound trap lobby/acoustic door/automatic door closer}</i> shall be installed.
PN17	<i>{Specify location}</i> must be acoustically sealed as to specifications agreed in writing with Environmental Health.
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 from the designated premises supervisor or responsible person.
PN19	No live music, recorded music or amplified equipment shall be relayed via external speakers other than for events which have the prior written approval of Environmental Health. The specification and orientation of all speakers shall be agreed in writing with Environmental Health.
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.
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>
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.
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>
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>
PN25	The <i>{garden/patio}</i> must not be used by customers after <i>{times}</i> .
PN26	Prominent, clear notices shall be displayed in the <i>{garden/patio/outside area}</i> asking customers to keep the noise down and to respect the needs of local residents when using the garden.
PN27	No outside area shall be used for consumption of alcohol after <i>{time}</i> on <i>{days}</i> .
	<b>Outside areas – tables and chairs</b>
PN28	All tables and chairs shall be removed from the outside area by <i>{time}</i> each day.
PN29	All tables and chairs in the outside area shall be rendered unusable by <i>{time}</i> each day.
	<b>Outside areas – regulated entertainment</b>
PN30	Regulated entertainment outdoors will be limited to <i>{number}</i> events a calendar year.
PN31	Regulated entertainment outdoors will cease no later than <i>{time}</i> .



	<b>Outside areas – smoking</b>
PN32	The licensee will have a member of staff monitoring the outside area restricting access to only { <i>number</i> } people at a time to be outside smoking after { <i>time</i> }. No beverages will be allowed outside and non-smokers will not be allowed to accompany those who are smoking.
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.
PN34	Patrons permitted to temporarily leave the premises to smoke shall be restricted to a designated smoking area defined as { <i>specify location</i> }.
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>
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.
PN37	Queuing outside the premises shall be restricted to a designated area located at { <i>specify location</i> }.
	<b>Resident communication</b>
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.
PN39	Residents are to be provided with the mobile telephone number of the Events Manager (or equivalent officer of the Council) during event days.
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 agreed 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>
PN41	The premises licence holder will provide a taxi phone service and internal waiting area for customers.
	<b>Waste disposal &amp; litter</b>
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. They will also wash 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.
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}.
PN44	There will be no collection of waste, which includes bottles, recycling and litter between the hours of {time} and {time}.
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>
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.
CH2	No children under the age of 16 will be allowed on the premises after {time}.
CH3	When entertainment or activity of an adult or sexual nature takes place on the premises the licence holder shall display 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>
CH4	A Challenge 21/25 proof of age scheme shall be operated at the premises.
	<b>Children on licensed premises</b>
CH5	No children under 16 years old will be allowed on the premises except for pre-booked functions.
CH6	No children under the age of 16 will be allowed on the premises after <i>{ time}</i> .
CH7	Children are not allowed on the premises after <i>{ time}</i> except children attending private functions in the function room.
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>
CH9	No promotional material for alcoholic products will be displayed so that it is visible from the street.
	<b>Proxy sales</b>
CH10	The premises shall display prominent signage indicating at <i>{ 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>
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> </ol> <p>Each entry is to be checked and signed by the DPS/Licensee no later than 1 week after the entry has been made. The register must be made available for police, police licensing officer and authorised officers from Medway Council on demand either electronically or by hard copy.</p>

<b>Safeguarding/Child Sexual Exploitation</b>	
CH12	<p>Information shall be displayed at <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> <ol style="list-style-type: none"> <li>1. Reporting to Medway Children's Services, with correct telephone numbers and email contact.</li> <li>2. Dialling 999 in the event of an immediate threat.</li> </ol>
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 in hard copy.</p>

## Appendix 6. Good practice guide

### Introduction

1. 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

2. 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).
3. It outlines what this Authority and its responsible authority partners expect 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.
4. Applicants and licensees are expected to make a proactive commitment to preventing problems from occurring at licensed premises.

### Risks associated with licensed premises

5. 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.
6. This document identifies many of the possible risks associated with licensable activities and sets out examples of good practice to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives in Medway.
7. 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

8. A proactive and preventative approach is a key aspect of good management at licensed premises. The Authority therefore expects applicants to refer and have regard to this document when completing their operating schedule.
9. 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

10. 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:
  - a. when responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule;
  - b. 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
  - c. for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

### Dealing with problem premises

11. The routine monitoring of licensed premises will be undertaken by the Authority and responsible authorities and findings under the four licensing objectives will be brought together.
12. 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 preventing or minimising subsequent problems.
13. Where problems have been identified, the 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

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

## How to use this guide

15. 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 5 – Suggested conditions.

### General – All four licensing objectives

16. 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.
17. 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.

<b>Risk</b>	<b>Good practice reference</b>	<b>Good practice measure</b>	<b>Condition reference</b>  'Please refer to Appendix 6, Suggested conditions'
Lack of knowledge or understanding of the Licensing Act 2003	G1	<p><b>Well trained staff</b></p> <ol style="list-style-type: none"> <li>1. 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. Details of qualifications and training providers can be found at <a href="https://www.biiab.org/find-a-training-centre/">https://www.biiab.org/find-a-training-centre/</a></li> <li>2. All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</li> <li>3. This training should also be provided on premises' specific policies relevant to the</li> </ol>	G1

		<p>operation of the business, including the content of the premises licence including the details of the premises licence conditions.</p> <p>4. 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>	
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**Prevention of crime and disorder**

- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. 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.



Risk	Good practice reference	Good practice measure	Condition reference  'Please refer to Appendix 6, Suggested conditions'
Security in and around the premises	CD1	<p><b>An alarm or other security measure</b></p> <ol style="list-style-type: none"> <li>1. This should be installed at the premises to protect it when closed or empty.</li> <li>2. Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</li> <li>3. Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</li> </ol>	
	CD2	<p><b>CCTV</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The recordings should be in real time and on hard drive with the availability to copy data for other agencies such as the police.</li> <li>3. Recordings should be kept for a minimum period of 31 days.</li> <li>4. 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.</li> </ol>	CD23

		<p>5. A trained member of staff should be on duty to operate the system whenever the premises are open.</p> <p>6. Useful websites concerning the use of CCTV in licensed premises are</p> <p>a. <a href="#">CCTV installation at your commercial property - GOV.UK (www.gov.uk)</a>  <a href="#">Installing CCTV? Things you need to do first   ICO</a></p>	
	CD3	<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>	
	CD4	<p><b>Security systems should be integrated</b></p> <p>1. The alarm, CCTV and lighting should work together in an effective manner.</p> <p>2. The alarm should be linked to a system that will notify the police if it is activated.</p>	
	CD5	<p><b>Door staff and/or stewards</b></p> <p>1. Door staff should be employed at the venue to supervise admissions and customers inside the venue.</p> <p>2. Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.</p> <p>3. 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>4. Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p> <p>5. See government website <a href="#">concerning the use of door supervisors</a>.</p>	<p>CD28–33</p> <p>CD33</p> <p>CD28</p>
	CD6	<p><b>Effective security policies</b></p>	CD50

		<ol style="list-style-type: none"> <li>1. Policies based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.</li> <li>2. All staff must be aware of a premises security policy with a record kept of the date and name of person trained.</li> <li>3. 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.</li> <li>4. 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.</li> </ol>	
Working to prevent the threat of terrorism	CD7	<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 Protect UK information on <a href="http://www.protectuk.police.uk">www.protectuk.police.uk</a></p>	CD52
Crime including conflict, violence or aggression in and around the premises	CD8	<p><b>Security reviews</b></p> <p>These should be held regularly and at least every three months with minutes kept.</p>	CD50
	CD9	<p><b>Daily staff briefing and debriefing</b></p> <ol style="list-style-type: none"> <li>1. This will enable licensees to improve working practices in their premises.</li> </ol>	

		<p>2. Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p>	
	CD10	<p><b>Promoted events</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Such events must have a comprehensive risk assessment undertaken by the licence holder and this should be submitted to the Police licensing team at least 14 days in advance of the proposed event.</li> <li>3. It is expected that promoters should have obtained the BIIAB level 2 award for music promoters, which can be found at <a href="https://www.biiab.org/find-a-training-centre/">https://www.biiab.org/find-a-training-centre/</a></li> <li>4. 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.</li> </ol>	
	CD11	<p><b>Proper management of the door</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.</li> <li>3. Useful web site <ol style="list-style-type: none"> <li>a. <a href="https://www.sia.homeoffice.gov.uk/Pages/licensing-events.aspx">https://www.sia.homeoffice.gov.uk/Pages/licensing-events.aspx</a></li> </ol> </li> </ol>	CD31

	CD12	<p><b>A door admissions policy</b></p> <p>This should include relevant age restrictions, expected dress standards, searching of customers and screening of handbags 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>	CD31
	CD13	<p><b>ID scanning</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>	CD39
	CD14	<p><b>Refusing entry to persons</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. In such cases, an entry should be made in an incident or log book.</li> </ol>	
	CD15	<p><b>A policy to manage capacity</b></p> <ol style="list-style-type: none"> <li>1. A capacity policy should be adopted to prevent overcrowding and the possibility of patrons becoming aggressive through accidental jostling.</li> <li>2. For promoted events and large venues, clickers can be used to record the number of patrons inside the premises.</li> <li>3. For other events or smaller venues, ticket sales or head counts may be appropriate.</li> <li>4. Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</li> </ol>	
	CD16	<p><b>Alternatives to glass drinking vessels</b></p>	

		<ol style="list-style-type: none"> <li>1. These should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</li> <li>2. 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.</li> <li>3. 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.</li> </ol>	<p>CD17–22</p> <p>CD19–20</p> <p>PS2</p>
	CD17	<p><b>Measures to preserve a crime scene</b></p> <ol style="list-style-type: none"> <li>1. Preserving a crime scene until police arrival, following the outbreak of disorder or any other crime, should be clearly documented in a policy.</li> <li>2. 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.</li> </ol>	
	CD18	<p><b>Staff training</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Training should also cover logging and reporting incidents if they occur.</li> <li>3. 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.</li> </ol>	G1
	CD19	<p><b>Sharing of information</b></p> <p>Sharing information with others in the industry, regular meetings and the use of local radio networks or membership of the Safer Medway Partnership, which can be found at</p>	

		<a href="http://www.safermedway.com/">http://www.safermedway.com/</a> will enable information to be passed on about trouble makers and common problems in the area.	
Drugs and weapons being brought into the premises	CD20	<p><b>A zero tolerance policy</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</li> </ol>	<p>CD36–38</p> <p>CD38</p>
	CD21	<p><b>Effective search policies</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The use of search arches and wands may be appropriate in some cases.</li> <li>3. Search policies should be formulated in consultation with the licensing team.</li> <li>4. Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</li> <li>5. Searches should always be carried out in public areas and covered by CCTV.</li> <li>6. 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. <ol style="list-style-type: none"> <li>a.</li> </ol> </li> </ol>	<p>CD45–49</p>
	CD22	<p><b>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 the requirement to call the police.</p>	
	CD23	<p><b>Seizing, retaining and documenting</b></p>	

		<ol style="list-style-type: none"> <li>1. Policy concerning the seizure of any drugs or weapons found with a clear audit trail and a process for surrendering them to the police.</li> <li>2. 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.</li> </ol>	CD40
	CD24	<p><b>Supervising toilet areas</b></p> <ol style="list-style-type: none"> <li>1. This can be effective in discouraging drug selling or use.</li> <li>2. A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.</li> <li>3. Regular toilet checks such as swabbing should be considered and, where conducted, these should be documented with date, time and finding recorded.</li> <li>4. Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse.</li> </ol>	CD24–25 CD24
	CD25	<p><b>Drug awareness training</b></p> <p>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.</p>	CD36
Theft from premises or lost property	CD26	<p><b>Bag hooks (Chelsea clips)</b></p> <p>These may be provided to prevent bag snatching.</p>	
	CD27	<p><b>Clear signage</b></p> <p>This should be displayed throughout the premises advising about crime prevention and to warn</p>	CD26



		customers of the potential for pickpockets and bag/laptop snatchers.	
	CD28	<b>Property patrols and managed cloakrooms</b> Toilet attendants can be employed to prevent theft from patrons or the premises.	CD24
	CD29	<b>Premises layout and lighting</b> Premises should not have secluded or dimly lit parts of the premises as they can encourage crime.	
	CD30	<b>Mirrors</b> Mirrors installed throughout the premises can aid supervision and act as a deterrent to thieves.	
	CD31	<b>A lost and found policy</b> 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.	
	CD32	<b>Carefully positioning alcohol</b> <ol style="list-style-type: none"><li>1. 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'.</li><li>2. Alcohol display areas should be covered by CCTV.</li></ol>	CD10–13
	CD33	<b>Security tagging</b> Tagging any items considered a specific target for theft, particularly alcoholic drinks over a certain price level, will deter thieves.	
Disorder from customers	CD34	<b>Reduce the potential for excessive queue lines</b> Without a well managed and efficient door policy, long queuing times can cause people to become	PN36–37

queuing to enter the premises or when leaving the premises		agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.	
	CD35	<p><b>A customer dispersal policy</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> </ol>	CD27
	CD36	<p><b>Staff training</b></p> <ol style="list-style-type: none"> <li>1. Staff training in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</li> <li>2. 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.</li> </ol>	G1
Customers getting drunk and dealing with drunken customers	CD37	<p><b>Drinks promotions</b></p> <p>Promotions should be socially responsible and not encourage excessive drinking.</p> <ol style="list-style-type: none"> <li>1. A documented policy on responsible drinks promotions should be in place at the premises 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.</li> </ol>	CH9

		<p>2. Any drinks promotion should market the availability of soft drinks.</p> <p>3. Useful website</p> <p>a. <a href="http://www.beerandpub.com/industry-briefings/bbpa-responsibility-statement">http://www.beerandpub.com/industry-briefings/bbpa-responsibility-statement</a></p>	
	CD38	<p><b>Staff training</b></p> <p>1. 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>2. 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>3. 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>4. 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>	CD34
	CD39	<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>	
	CD40	<p><b>Drink-aware posters</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>	
Consumption of alcohol on the street	CD41	<p><b>Restricting sale of 'super strength' beer and cider, miniatures and pre mixed spirit products</b></p>	

and street drinkers		<ol style="list-style-type: none"> <li>1. 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>2. Restrict the sale of single cans or bottles of beer and cider or other similar products, 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> </ol>	CD6–7
Sale of alcohol outside permitted hours	CD42	<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>	CD16
Tackling sexual harassment and discrimination	CD43	<p><b>A sexual harassment, safe space and discrimination policy</b></p> <ol style="list-style-type: none"> <li>1. There should be a 'zero tolerance' policy regarding sexual harassment and discriminatory behaviour towards customers and staff. Further information can be found at Appendix 14.</li> </ol>	
	CD44	<p><b>Staff training</b></p> <p>Staff should be trained in how to deal with:</p> <ol style="list-style-type: none"> <li>1. Unwelcome sexual innuendoes and gestures, whether towards themselves or customers.</li> <li>2. Groping, pinching or smacking someone's body without consent.</li> <li>3. The exposure of sexual organs.</li> <li>4. Entering the toilet that does not best accommodate your gender.</li> <li>5. Derogatory comments based on someone's age, disability, ethnicity/race, gender, gender reassignment, pregnancy or maternity status (including nursing mothers), religious or</li> </ol>	

		philosophical belief or non-belief and sexual orientation.	
	CD45	<b>Poster display</b> Prominently display high visibility posters in the venue which discourage harassment and encourage reporting.	

### **Public safety**

23. 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.
24. 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.
25. 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.
26. 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.
27. 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>Risk</b>	<b>Good practice reference</b>	<b>Good practice measure</b>	<b>Condition reference</b>
			'Please refer to Appendix 6, Suggested conditions'
General safety of	PS1	<b>A full risk assessment</b>	

staff and customers		<ol style="list-style-type: none"> <li>1. A risk assessment taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. Templates can be found on the Health and Safety Executive website at <a href="http://www.hse.gov.uk/risk/index.htm">http://www.hse.gov.uk/risk/index.htm</a> . A risk assessment should be regularly reviewed at least every 12 months.</li> <li>2. All staff should be made aware of the risk assessment and precautionary measures therein.</li> <li>3. A copy of the risk assessment should be kept at the premises and made available for inspection.</li> </ol>	
	PS2	<p><b>First aid</b></p> <p>First aid boxes should be available at the premises and maintained with sufficient in date stock.</p>	
	PS3	<p><b>A recognised qualification in first aid</b></p> <ol style="list-style-type: none"> <li>1. A qualified member of staff should be on duty at all times the premises licence is in use.</li> <li>2. Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</li> </ol>	PS1
	PS4	<p><b>A first aid room</b></p> <p>A first aid/quiet room should be made available to anyone requiring medical attention.</p>	
	PS5	<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>	
Overcrowding	PS6	<p><b>A documented capacity</b></p>	

		<ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.</li> </ol>	
	PS7	<p><b>A policy to manage the capacity</b></p> <ol style="list-style-type: none"> <li>1. A policy should be adopted to prevent overall and localized overcrowding.</li> <li>2. The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</li> <li>3. Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</li> </ol>	
Accumulation and disposal of glass bottles and glass drinking vessels	PS8	<p><b>A glass collection policy</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Perimeter checks should be made outside the premises for any glasses or bottles.</li> <li>3. All staff must be made aware of the glass collection policy and their responsibility for the task.</li> </ol>	PS2
	PS9	<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>	
	PS10	<p><b>Bottle bins</b></p> <p>Bins should be secure at all times and away from public areas.</p>	

<p>Accident or other emergency incident on the premises</p>	<p>PS11</p>	<p><b>A written accident and incident policy</b></p> <ol style="list-style-type: none"> <li>1. A policy to deal with all types of accidents &amp; emergency incidents should be in place at the premises.</li> <li>2. 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.</li> <li>3. Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly.</li> <li>4. 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.</li> </ol>	<p>PS3</p>
	<p>PS12</p>	<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>	
	<p>PS13</p>	<p><b>Means of escape</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</li> </ol>	
	<p>PS14</p>	<p><b>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>	



	PS15	<p><b>Staff training in fire safety</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Records should be kept of the date and name of person trained and made available for inspection.</li> <li>3. A useful website for fire safety advice is <ol style="list-style-type: none"> <li>a. <a href="http://www.kent.fire-uk.org/your-safety/business-safety?click+here+for+fire+safety+guidance+document">http://www.kent.fire-uk.org/your-safety/business-safety?click here for fire safety guidance document</a></li> </ol> </li> </ol>	
	PS16	<p><b>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>	
Drug use or drink spiking	PS17	<p><b>A zero tolerance policy</b></p> <ol style="list-style-type: none"> <li>1. A zero tolerance to the use of drugs in the premises should be adopted.</li> <li>2. Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</li> </ol>	CD36–38
	PS18	<p><b>Refusing entry</b></p> <p>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.</p>	CD40
	PS19	<p><b>A duty of care policy</b></p> <ol style="list-style-type: none"> <li>1. 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</li> </ol>	

		<p>recognise the effects of controlled drugs and provide medical attention where necessary.</p> <p>2. All staff must be briefed on the policy. A record should be kept of the date and name of person trained.</p>	
	PS20	<p><b>Prevent the possibility of drink spiking</b></p> <p>1. Offer various anti drink spiking products to customers.</p> <p>2. 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.</p> <p>3. Useful websites are</p> <p>a. <a href="https://www.drinkaware.co.uk/advice/staying-safe-while-drinking/drink-spiking-and-date-rape-drugs/">https://www.drinkaware.co.uk/advice/staying-safe-while-drinking/drink-spiking-and-date-rape-drugs/</a></p> <p><a href="#">h Health, Safety and Welfare   Kent Union</a></p>	
	PS21	<p><b>A 'chill out' area</b></p> <p>A 'chill out' area should be provided. This should be cooler and quieter than rest of venue.</p>	
Smoking on the premises	PS22	<p><b>Staff training in smoke free legislation</b></p> <p>Staff should be aware of their responsibilities regarding smoke-free legislation and for monitoring compliance.</p>	
Safety of customers when leaving the premises	PS23	<p><b>Drink driving</b></p> <p>Discourage drink driving by promoting schemes such as Designated Driver, with notices clearly displayed throughout the premises. More guidance can be obtained at the following website <a href="http://www.gov.uk">Drink-driving penalties - GOV.UK (www.gov.uk)</a></p>	
	PS24	<p><b>Display information concerning safe travel options</b></p> <p>1. Inform customers regarding safe options for travelling home. Information should include access to licensed taxis or licensed private hire</p>	

		<p>vehicles, the location of taxi ranks and public transport facilities including night bus options.</p> <ol style="list-style-type: none"> <li>2. Provide a free taxi phone service and a safe waiting area for customers inside the premises.</li> </ol>	
	PS25	<p><b>A 'chill out' period at the end of an evening</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> </ol>	
	PS26	<p><b>Lighting</b></p> <ol style="list-style-type: none"> <li>1. Increased lighting inside the premises should be considered towards the end of an evening to heighten the alertness of customers before they leave the premises.</li> <li>2. 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.</li> </ol>	

### **Prevention of public nuisance**

28. 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.

29. 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.

30. 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.
31. 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.
32. 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.

<b>Risk</b>	<b>Good practice reference</b>	<b>Good practice measure</b>	<b>Condition reference</b>  'Please refer to Appendix 6, Suggested conditions'
Music, singing and speech noise breakout from the premises	PN1	<p><b>A noise management policy</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The policy should be based on the findings of an acoustic consultant's assessment.</li> <li>3. 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.</li> <li>4. DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.</li> <li>5. Use an approved list of DJs, event promoters or other entertainment providers who have signed up to the policy.</li> </ol>	PN10–21
	PN2	<p><b>Windows and doors should be kept closed</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> </ol>	PN10 & 18 PN15 PN17 PN10 PN16

		<ol style="list-style-type: none"> <li>2. Windows should be sound insulated.</li> <li>3. Emergency exits should be sealed acoustic doors.</li> <li>4. A lobbied area should be provided at the entrance and exit to the premises.</li> <li>5. Doors should be fitted with self closing devices.</li> </ol>	
	PN3	<p><b>A sound limiting device</b></p> <ol style="list-style-type: none"> <li>1. A sound limiting device should be installed, set and sealed at a level approved by an acoustic consultant.</li> <li>2. The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.</li> <li>3. Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.</li> </ol>	PN14
	PN4	<p><b>Location of entertainment facilities</b></p> <ol style="list-style-type: none"> <li>1. Locate DJ booth, stage and loud speakers etc. away from doors and windows.</li> <li>2. Rubber speaker mounts can be used to minimize structure borne noise.</li> </ol>	
	PN5	<p><b>Noise monitoring</b></p> <ol style="list-style-type: none"> <li>1. 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 measurement taken by a qualified consultant using sound measuring equipment.</li> </ol>	PN11

		<p>2. 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>	
	PN6	<p><b>Recording noise monitoring</b></p> <p>1. A log book should be kept of any noise monitoring carried out, 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>2. The log book should be made available for inspection by the licensing authority or environmental health responsible authority.</p>	PN11
	PN7	<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>	PN38–39
Noise and nuisance from customers arriving and leaving the premises	PN8	<p><b>Reducing excessive queue lines</b></p> <p>1. Reduce the potential for excessive queue lines with a well managed and efficient door policy.</p> <p>2. Long queues should be avoided and any queues should be directed away from residential properties.</p> <p>3. Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from</p>	PN36–37

		<p>people queuing to get in should not be tolerated. Door staff should refuse entry to anyone behaving in an anti-social way.</p> <p>4. Restrict admittance or re-admittance to the premises after 2300 hours.</p>	
	PN9	<p><b>A customer dispersal policy</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. 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.</li> </ol>	PN27
	PN10	<p><b>Customer notices</b></p> <ol style="list-style-type: none"> <li>1. Display prominent notices close to the exit doors, requesting patrons to leave the premises and quickly and quietly.</li> <li>2. 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.</li> <li>3. Make announcements at the end of an evening, requesting patrons to leave the premises and area quickly and quietly.</li> </ol>	PN22–23



	PN11	<p><b>Provide a free taxi phone service and an internal waiting area</b></p> <ol style="list-style-type: none"> <li>1. Provide a free taxi phone service and an internal waiting area for customers to prevent noise disturbance to neighbours.</li> <li>2. 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.</li> </ol>	PN41
Noise and nuisance from customers using external areas	PN12	<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>	PN22–23
	PN13	<p><b>Restricted use of external areas</b></p> <p>Restrict the use of external areas after 2200 hours if premises are in a residential area.</p>	PN25–27
	PN14	<p><b>Management of external areas</b></p> <ol style="list-style-type: none"> <li>1. Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</li> <li>2. 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.</li> <li>3. Limit the number of smokers permitted outside at any one time after a certain time.</li> <li>4. Discourage smokers from loitering outside by not permitting them to</li> </ol>	PN32–35

		<p>take their drinks with them and removing external furniture after a certain time.</p> <p>5. Locate smoking areas away from residential premises.</p> <p>6. Do not permit customers to congregate on and block the public highway to passers-by.</p>	
Noise from staff and entertainment providers leaving the premises	PN15	<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>	
Noise and disturbance caused by deliveries, collections and waste disposal	PN16	<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 0800 and 1800 hours Monday to Friday.</p>	PN44
Litter and waste around the premises	PN17	<p><b>Flyers</b></p> <p>1. Flyers should not be distributed outside the premises by the licence holder or any staff employed by the licence holder.</p> <p>2. Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.</p>	PN3

	PN18	<p><b>Street litter</b></p> <ol style="list-style-type: none"> <li>1. Procedures should be in place for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.</li> <li>2. Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.</li> <li>3. Use wall or floor mounted cigarette bins in designated smoking areas for customers.</li> </ol>	PN42,43,45
Disturbance from external lighting	PN19	<p><b>External lighting</b></p> <p>External lighting for the premises should be turned off after the premises are closed to the public.</p>	
Noise or odours from plant and machinery	PN20	<p><b>Plant and machinery</b></p> <p>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.</p>	
Resident communication	PN21	<p><b>Resident communication</b></p> <p>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 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</p>	PN38–39

		responsibility who are contactable whenever the premises are open to the public so that any issues can be addressed without delay.	
	PN22	<b>Resident meetings</b> Licensees could also arrange regular meetings with neighbours to ensure good relations.	PN40
Clear glazing policy	PN23	<b>Keeping windows clear</b> For shops it can be important to keep the windows clear to the front and side of the premises 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 windows clear allows staff to address this issue.	PN1

### Protection of children from harm

33. 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.
34. 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 wellbeing 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.
35. 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 reference</b>	<b>Good practice measure</b>	<b>Condition reference</b>  'Please refer to Appendix 6, Suggested conditions'
Child Safeguarding and Child Sexual Exploitation	CH1	<p><b>Child Safeguarding and Child Sexual Exploitation (CSE)</b></p> <p>All persons working at the premises, whether paid or unpaid, should be trained in child safeguarding and CSE issues. 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. Appendix 12 – Child safeguarding and Child Sexual Exploitation has useful information.</li> <li>7. <a href="#">Useful website</a></li> </ol>	CH12–13
Children accessing licensed premises	CH2	<p><b>Exclude or restrict access to children</b></p> <ol style="list-style-type: none"> <li>1. Exclude or restrict access depending on the nature of the business and/or circumstances. Points to consider are</li> </ol>	CH1–3, 5–8

		<p>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> <ol style="list-style-type: none"> <li>The admission of children can be restricted up until a specified time in the evening.</li> <li>The admittance of children can only be permitted if they are accompanied by an adult.</li> </ol>	
Underage sales of alcohol	CH3	<p><b>Operate a strict 'No ID – No Sale' policy.</b></p> <ol style="list-style-type: none"> <li>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. A useful website is <a href="#">Selling alcohol - Kent County Council</a></li> <li>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.</li> <li>Use till prompts to remind staff to ask for proof of age.</li> <li>Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale. <a href="#">Challenge 25 test purchasing under age sales</a></li> </ol>	CH4
	CH4	<p><b>Proxy sales</b></p> <p>Display posters at the premises stating that it is an offence to purchase alcohol on behalf of</p>	CH10

		an underage person (proxy sales). <a href="http://www.kent.gov.uk/leisure-and-community/consumer-protection/buying-alcohol">www.kent.gov.uk/leisure-and-community/consumer-protection/buying-alcohol</a>	
	CH5	<p><b>Location of alcohol displays and storage</b></p> <ol style="list-style-type: none"> <li>1. Alcohol should not be displayed within easy access of the exit/egress to the shop, making theft more difficult</li> <li>2. Consider placing alcohol displays behind the counter so children do not have access to them</li> <li>3. 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.</li> <li>4. Alcohol should not be stored on the shop floor, and should be kept in a secure area out of reach of the public area.</li> </ol>	CH10–13
Alcohol promotions and marketing	CH6	<p><b>Promotions</b></p> <ol style="list-style-type: none"> <li>1. Adverts or promotions for alcohol should not appeal to young persons.</li> <li>2. No alcohol promotions which are street facing, particularly when near to a school or other place where young people attend or gather.</li> </ol>	CH9
Due diligence	CH7	<p><b>Refusals book</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The book should contain the date and time of the incident, a description of the customer, the name of the staff member</li> </ol>	CH11

		<p>who refused the sale, and the reason the sale was refused.</p> <ol style="list-style-type: none"> <li>3. The book should be made available to police and authorised Council officers on request.</li> <li>4. The book should be reviewed on a regular basis to see if any patterns emerge.</li> </ol>	
	CH8	<p><b>Staff training</b></p> <ol style="list-style-type: none"> <li>1. Staff training in the age related sections of the Act should be provided to all door, bar and till staff. This includes the ability to challenge customers and competently check their identification where necessary.</li> <li>2. A record should be kept of the date and name of person trained.</li> </ol>	G1
Access to age restricted films	CH9	<p><b>Films</b></p> <ol style="list-style-type: none"> <li>1. Adequate provisions for restricting children from viewing age restricted films should be in place at the premises.</li> <li>2. 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).</li> </ol>	
Access to age restricted gaming machines	CH10	<p><b>Gaming machines</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. Useful websites are <ol style="list-style-type: none"> <li>a. <a href="http://gamblingcommission.gov.uk/about-us/guide/page/gaming=machines-legislation">http://gamblingcommission.gov.uk/about-us/guide/page/gaming=machines-legislation</a></li> </ol> </li> </ol>	



		b. <a href="https://www.underagesales.co.uk">https://www.underagesales.co.uk</a>	
Access to entertainment of an adult nature	CH11	<p><b>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>	CH1-3
	CH12	<p><b>Promotion of adult entertainment</b></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>	

#### Local Medway Area Information

- [Local facts and figures](#)
- [Crime statistics](#)
- [Medway Safer Business Partnership](#)
- [Community Safety Partnership](#)
- [Trading Standards](#)
- [Public Spaces Protection Orders \(previously Alcohol Control Zones\)](#)
- [Medway planning](#)
- [British Institute of Innkeeping](#)
- [Wine and Spirit Trade Association](#)
- [British Beer and Pub Association](#)
- [The Portman Group](#)
- [Community Alcohol Partnerships](#)
- [Challenge 25 – for posters and advice](#)
- [Drinkaware – for posters and advice](#)

## Appendix 8. Delegated functions

<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.

## Appendix 9. Responsible Authorities

See [list of Responsible Authorities](#).

## Appendix 10. Alcohol, health, and licensing

### Introduction

1. The Office for Health Improvement & Disparities (formally 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 addressed, 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.
2. The Director of Public Health (DPH) is a responsible authority under the Act and the Authority can consider representations from the DPH. Public 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

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

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 disguise 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.
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 [Dr](#)

## Alcohol and health

6. Alcohol is a prominent commodity in our communities, with an increase in the number of premises licensed to sell alcohol, particularly shops, since 2005. For many it is associated with positive activities. However, 10 million or more people drink at levels which increase their risk of health harms, and alcohol consumption is a leading factor for ill-health. Among those aged 15 to 49 in England it is the leading cause for ill-health, early mortality, and disability <sup>[1]</sup>.
7. Increased affordability of alcohol, a shift to higher strength products and an increase in consumption by women has led to an increase in sales in England and Wales. Most alcohol is now bought from shops and drunk at home <sup>[2]</sup>.
8. Many indicators of alcohol-related harm have seen an upward trend over recent years. Alcohol related hospital admissions and mortality are increasing. This is particularly apparent in the most deprived third of the population. More working years of life are lost in England as a result of alcohol-related deaths than from cancer of the lung, bronchus, trachea, colon, rectum, brain, pancreas, skin, ovary, kidney, stomach, bladder, and prostate, combined <sup>[1]</sup>.
9. The annual economic burden of alcohol is estimated as being between 1.3% and 2.7% of annual GDP <sup>[1]</sup>. There is a considerable body of international literature showing that policy addressing alcohol issues is both effective and cost-effective <sup>[3]</sup>.

## Changes to alcohol purchasing and consumption due to Covid 19

10. Nationally the total volume of alcohol for 2020 to 2021 was 1.2% less than the year before the pandemic, despite the closure of the on-trade, i.e. pubs, restaurants and nightclubs, during national lockdowns <sup>[4]</sup>.
11. However, research shows that off-trade sales of alcohol between 2019 and 2020 (before and during the pandemic) increased by a quarter. This increase was steady over most of 2020, with an increase in all types of alcoholic products. The largest increases were in beer, spirits, wine, and cider <sup>[4]</sup>.
12. The same research showed that people who were the heavier drinkers before the pandemic increased their drinking during the pandemic <sup>[4]</sup>.
13. In 2020, there was a 20.0% increase nationally in the total alcohol specific deaths compared to 2019, with significantly higher rates from May 2020 onwards, where a third of deaths occurred to those suffering from most deprivation. Deaths from mental and behavioural disorders due to alcohol increased by 10.8% during the same time period, and deaths from alcohol poisoning increased by 15.4%. The research showed an upward trend in total alcohol specific deaths which was attributed to an increase in

deaths due to alcoholic liver disease. Alcoholic liver deaths accounted for 80.3% of total alcohol deaths in 2020 which was a increase of 20.8% from 2019 to 2020. From July 2020 onwards, rates of alcoholic liver disease deaths were significantly and consistently higher than the national baseline <sup>[4]</sup>.

#### Alcohol harms in Medway

14. Medway's Joint Strategic Needs Assessment (JSNA) identifies several areas of concern within the population of Medway regarding alcohol harms. Medway has high levels of hospital admissions for alcohol related and alcohol specific conditions, alcohol related mortality and alcohol specific mortality <sup>[5]</sup>.
15. Alcohol is the most common cause of liver disease in England. Alcohol-related liver disease accounts for over a third of liver disease deaths. The overall trend for alcohol related liver disease admission episodes in Medway is increasing and is high compared to the Southeast region <sup>[5]</sup>.
16. Alcohol related mortality has showed no significant change between 2016 to 2020, being largely in line with the national rate <sup>[6]</sup>.
17. Admissions to hospital for alcohol related conditions for females under 40's is higher than the England average and rose sharply between 2019/2020 to 2020/2021. For men over 65 there has also been an increase to more than the England average in the same time frame <sup>[6]</sup>.
18. The rate of alcohol related mortality for both males and females has not improved in recent years and is over the England average <sup>[6]</sup>.
19. Hospital admissions for women for episodes for intentional self-poisoning by and exposure to alcohol is higher than the England average <sup>[6]</sup>.
20. The proportion of drinkers in Medway who can be categorised as engaging in increasing risk and higher risk drinking or possible dependence is 26.6%. 16.3% of drinkers consume alcohol on more than 4 or more days a week. 15.5% of drinkers binge drink <sup>[7]</sup>.

#### Link between alcohol outlet density and alcohol harms.

21. The link between alcohol outlet density in an area and alcohol harms is accepted by the Government, The National Institute for Health and Care Excellence (NICE), Public Health England, the World Health Organisation and the Local Government Association (LGA) and informs their policy and strategy documents <sup>[8]</sup>.
22. 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>[8,9]</sup>.

23. There are 271 (Medway Council, 2021) off licensed premises in Medway, which is the single largest type of premises. This type of premises licence has also seen the highest increase, 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>[7]</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 <sup>[8,9]</sup>.

#### Minimisation of harm

24. 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 licence or certificate holders are:
- a. Provide good quality, ongoing training to staff, which is regularly reviewed and updated.
  - b. Offer low alcohol or alcohol free alternatives. The range of low alcohol and alcohol free beers, ciders, wines, and spirits has increased over the last few years and these products offer a real alternative to common alcoholic products.
  - c. Ensure that non-alcoholic drinks are priced competitively with alcoholic drinks and actively promoted.
  - d. Actively promote designated driver schemes where a driver is offered discounted or free non-alcoholic drinks.
  - e. 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.
  - f. Retail premises should 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.
  - g. 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.
  - h. Ensure a 'Challenge 25' policy is in place, and staff are fully conversant with the policy.
  - i. Consider limiting sales of single bottles or cans below 1 litre of beer/lager/cider/spirit mixers, particularly with an ABV of 5.5% or above, to reduce the availability to children and street drinkers.
  - j. Consider removing high ABV beers/lagers, cider and spirit mixers (e.g. above 5.5% ABV) as there is evidence these products are used by street and dependent drinkers.



- k. 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.

## References

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2. Home Office. (2016). Alcohol and late night refreshment licensing England and Wales 31 March 2016. Available at: <https://www.gov.uk/government/publications/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2016/alcohol-and-late-night-refreshment-licensing-england-and-wales-31-march-2016#other-topics> (Accessed April 26<sup>th</sup> 2022)
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4. Public Health England (2021) Monitoring alcohol consumption and harm during the COVID 19 pandemic. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1002627/Alcohol\\_and\\_COVID\\_report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002627/Alcohol_and_COVID_report.pdf) (Accessed April 26<sup>th</sup> 2022)
5. Medway Council (2022) Medway's Joint Strategic Needs Assessment. Available at: <http://www.medwayjsna.info/index.html> (Accessed April 26<sup>th</sup> 2022)
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7. Public Health England (2019) Local Alcohol Consumption Survey National Report. Available at: [file:///C:/Users/barbara.murray/Downloads/Local\\_alcohol\\_consumption\\_survey\\_report%20\(1\).pdf](file:///C:/Users/barbara.murray/Downloads/Local_alcohol_consumption_survey_report%20(1).pdf) (Accessed April 26<sup>th</sup> 2022).
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9. PHE (2016) The Public Health Burden of Alcohol and the Effectiveness and Cost-Effectiveness of Alcohol Control Policies: An evidence review [Online] Available at: <https://www.gov.uk/government/publications/the-public-health-burden-of-alcohol-evidence-review>

## Appendix 11. Child safeguarding and Child Sexual Exploitation

1. 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 roll to play<sup>1</sup>.
2. To support organisation that come into contact with the public, or employ under 18s, the Medway Safeguarding Children Partnership (MSCP) and Medway Council suggests staff have access to safeguarding training and are briefed on local safeguarding initiatives.
3. 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 in victims in their areas.
4. The MSCP offers online training covering a number of areas. These include and introduction to safeguarding children and a basic awareness of child and adult sexual exploitation.
5. 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.
6. Alcohol and drugs are often used to coerce children into sexual exploitation; the national picture of sexual exploitation draws attention to the use of licensed premises. This includes hotels where abuse may take place.
7. Further advice regarding safeguarding and promoting the welfare of children can be found on the MSCP website at [www.medwayscp.org.uk](http://www.medwayscp.org.uk)

### **References**

1. HM Government, Working together to safeguard children: A guide to interagency working to safeguard and promote the welfare of children, March 2015, updated February 2017

## Appendix 12. Sexual harassment

### **Introduction**

1. Sexual harassment is unwanted behaviour of a sexual nature which:
  - a. Violates a person's dignity.
  - b. Makes people feel intimidated, degraded or humiliated.
  - c. Creates a hostile or offensive environment.
  
2. Sexual harassment can take many forms, examples of which are:
  - a. Unwelcome sexual gestures or innuendos.
  - b. Groping, pinching, or smacking someone's body.
  - c. Exposing yourself to someone.
  - d. Entering the toilet that does not best accommodate your gender.
  - e. Derogatory comments based on age, gender, race, orientation, or ability.
  
3. Drinkaware has produced an overview of sexual harassment in licensed premises and has found:
  - a. Nearly three quarters of young adults who use pubs and clubs have witnessed inappropriate sexual comments and touching in these types of premises. Women are more likely to see these types of behaviours than men, although just over two thirds of men have also witnessed inappropriate behaviour.
  - b. Nearly four-fifths of women aged 18-24 believe harassment will happen to either themselves or their female friends while in a pub or club. Over half of men also believe their female friends will experience harassment as well.
  - c. Nearly two-thirds of women have experienced sexual harassment in pubs and clubs. A quarter of men have also experienced this type of behaviour.
  - d. The harasser was typically reported as being male.
  - e. Victims can be both male and female.
  
4. Sexual harassment can happen to anyone of any gender and the Authority believes that harassment of anyone should not be tolerated.

### **The Authority expectations**

5. Medway has a lively and vibrant night-time economy, with many pubs, bars and clubs attracting customers from a large geographical area, as well as local residents and students from the universities located in Medway. It is an important part of the Medway economy and an important source of employment. The Authority wants to create a vibrant, safe and welcoming early evening and night-time economy and sees addressing issues of harassment and discrimination as an important part of supporting and promoting Medway leisure businesses.

6. The Authority expects premises license holders and designated premises supervisors to ensure that they and their staff are aware of the signs of sexual harassment and discrimination and have a policy in place making it plain there is a zero tolerance approach to any incidents.

Drinkaware also cover the subject at:

<https://www.drinkaware.co.uk/advice/staying-safe-while-drinking/sexual-harassment/>

The Health and Safety Executive also has useful guidance on this subject included within a wider guidance on how to manage violence in licensed premises at:

<http://www.hse.gov.uk/violence/toolkit/index.htm>