



# **Statement of Licensing Policy**

**2016 – 2021**

**As required by the  
Licensing Act 2003**

**Review August 2020**

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**Statement of Licensing Policy 2016-2021**  
**EXECUTIVE SUMMARY**

Statement of Licensing Policy

This Statement of Licensing Policy adopted by Three Rivers District Council has been produced in line with the requirements of the Licensing Act 2003 (as amended) having regard to guidance issued by the Secretary of State and supplementary legislation. It has been widely consulted upon and will remain in place for a period of not more than 5 years.

The Policy outlines the general approach that the Council, being the Licensing Authority within this District, will take when processing and determining applications made under the Licensing Act 2003, as amended.

The Licensing Authority may only have regard to matters in respect of the Licensing Objectives and must aim to protect and promote these 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.

Licensing Applications

Upon receipt of an application, the Licensing Authority will consult the nine Responsible Authorities. In considering applications, the Licensing Authority will have regard to the Licensing Act 2003 as amended, the Licensing Objectives, Government guidance issued under Section 182 of the Act, supporting regulations and the amendments to the licensing regime resulting from the Police Reform and Social Responsibility Act 2011, the Live Music Act 2012, the Police and Crime Act 2009, the Deregulation Act 2015 and other relevant legislation and regulations. This legislation and regulations will not undermine the rights of any person to make an application under the 2003 Act.

Representations

Representations to an application may be made by the Responsible Authorities, local residents, businesses, their representatives or any other person. Representations will only be considered 'relevant' if they relate to the effect of the grant of the licence on the promotion of at least one of the Licensing Objectives. When relevant (and not frivolous or vexatious) representations are received, the Licensing Authority will hold a Licensing Sub-Committee hearing.

The Licensing Authority will seek to encourage direct contact between parties to achieve agreement, through mediation and conciliation but this does not override the right for a responsible authority or person to ask the Licensing Sub-Committee to consider their representation.

Propensity is to grant a licence but failure to illustrate adequate promotion of the Licensing Objectives may lead to refusal. Both applicants and those making a representation have the right to appeal to the Magistrates' Court against decisions of the Licensing Authority.

Personal Licences

Holders of personal licences are responsible for the sale of alcohol on their premises. The Authority recognises that the regulations do not require the holder to be physically present, however, they or the recognised deputy should be ready and easily contactable.

Applications for personal licences will be scrutinised and, should the applicant have unspent relevant convictions, the Authority reserves the right to refuse, suspend or revoke a licence on this basis. There is no longer a requirement to renew a personal licence.

### Premises Licences

Operating Schedules are to be prepared by an applicant to address the Licensing Objectives. These operating schedules usually translate into licence conditions. If Operating Schedules do not address the four Licensing Objectives they are likely to attract representations, which may result in additional conditions being imposed at a hearing or refusal of the application. Any premises from which alcohol is sold must have a Designated Premises Supervisor (DPS).

Consulting the Licensing Officer and Responsible Authorities at an early stage is encouraged prior to submitting an application. The Licensing Authority expects applicants to demonstrate regard for the promotion of the Licensing Objectives and demonstrate control measures for each within their Operating Schedule.

A Review of a Licence may be held should a Responsible Authority or other person (including residents) trigger a review on an evidentiary basis which is required to be presented to the Licensing Authority.

### Live Music, Dancing, Theatre

Only conditions necessary for promoting the Licensing Objectives will be attached to licences of this nature. Live and recorded music are deregulated on alcohol licensed premises between 0800 and 2300 hours provided that the premises is authorised to sell and is actually selling alcohol at the time of the musical entertainment.

There are also a number of deregulated forms of entertainment. These are deregulated between the hours of 0800 and 2300 hours and are dependent upon audience size. Full details are contained within the full statement of Licensing Policy.

### Licence Conditions

Licence conditions may be added to a licence to promote the Licensing Objectives, however, the licensing function may not be used to control general nuisance or behaviour once this falls outside the direct control of the individual, club or business holding the licence or certificate. Conditions may not have regard to matters which are controlled by other non-licensing legislation.

### Temporary Events

Some events do not require a licence but a Temporary Event Notice must be submitted to the Licensing Authority and may only be opposed by the Police and/or an Environmental Health Officer. A Temporary Event Notice is required should the event not be covered under a premises licence or club certificate and pertains to a licensable activity namely sale/supply of alcohol, regulated entertainment and late night refreshment.

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Enforcement and Inspection

The Licensing Authority has joint enforcement protocols with other enforcement agencies and inspections of every licensed premises will be carried out over time in line with these protocols.

## **FOREWORD**

This is the fourth Statement of Licensing Policy produced by Three Rivers District Council under the Licensing Act 2003, as amended.

Since the adoption of the original statement the Act has been amended. The changes:

- ◆ Allow the imposition of additional mandatory conditions on licences granted under the Act;
- ◆ Remove the requirement for certain community premises to have a designated premises supervisor;
- ◆ Provide a simplified procedure for minor variations to a licence or club certificate;
- ◆ Provide a summary review procedure in cases of serious crime and disorder;
- ◆ Provide new offences and powers in relation to underage sales;
- ◆ Empower local authorities to make early morning alcohol restriction orders;
- ◆ Introduce a Late Night Levy;
- ◆ Partially deregulate live and recorded music;
- ◆ Revise provisions relating to Temporary Event Notices.

This Statement sets out the general approach the Authority will be taking when making licensing decisions during the five-year period up to January 2021. It explains how the Council, acting in its capacity as the Licensing Authority, will seek to balance increased leisure opportunities with the protection that local residents and communities need and expect. The change in licensing law that was implemented in full in 2005 took place at a time when many were concerned about the amount of alcohol being consumed and the anti-social behaviour that often was associated with it. The Licensing Authority recognises its key role in dealing with such issues and, by working with our partner organisations, has achieved some notable successes in this area. Whilst it is accepted that the majority of the public and premises cause no issues and are responsible, we must not let a minority of problematic and inconsiderate individuals spoil life for the majority.

The Licensing Authority recognises how important the leisure and entertainment industry is to the economic and social wellbeing of the District and well run businesses will be supported and encouraged. The Authority will welcome applications for new leisure developments that are well planned and where issues such as crime and disorder, transport and public safety are considered early in the planning process. However, the Licensing Authority has demonstrated on a number of occasions that it will not hesitate to deal firmly with problems of anti-social behaviour fuelled by alcohol, especially the supply of alcohol to minors.

This Policy will be kept under regular review and it will change, as required, to reflect local issues and circumstances. The Licensing Authority will seek, through the licensing process and the decisions it takes, to make Three Rivers District a safe and welcoming place for people to live, work and visit.

## **THE DISTRICT OF THREE RIVERS**

Three Rivers District Council is situated in the county of Hertfordshire, which contains ten district councils in total.

Three Rivers District covers an area spanning approximately 34 square miles, and has approximately 89,500 residents (based upon figures from 2013).

The main populated areas in the district are Rickmansworth, Mill End and Maple Cross, Moor Park and parts of Northwood, Chorleywood, Croxley Green, Abbots Langley and South Oxhey/Carpenders Park.

### **INTRODUCTION**

Three Rivers District Council is the Licensing Authority under the Licensing Act 2003 (as amended) and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences within the District of Three Rivers in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

Since the Licensing Act 2003 came into effect, it has been subject to a number of amendments. All references to the Licensing Act 2003 contained within this policy relate to the Licensing Act 2003 *as amended*.

In this policy the Licensing Authority has outlined matters that it considers to be of particular importance for applicants to consider in preparing an application. Passages of text that are not in bold under the respective heading or sub-heading are provided to assist applicants to understand what the Licensing Authority is seeking to achieve, the factors that influence the achievement of Licensing Objectives and the control measures that could be implemented by the applicant to achieve that outcome.

It should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises (including vehicles selling hot food or hot drink after 23:00 hours up until 05:00 hours). For this reason, this policy cannot detail all of the factors that influence the achievement of the Licensing Objectives nor can this policy detail all of the control measures that may be appropriate. This policy is meant as a guide to the various aspects of applications under the Act.

While this Licensing Policy sets out a general approach to the making of licensing decisions, it does not ignore nor is inconsistent with the provisions in the Act. For example, nothing in our Policy undermines the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.

It must be noted that nothing in this Statement of Policy should be regarded or interpreted as an indication that any requirement of law may be over-ridden; each application will be considered and treated on its own merits.

In drawing up the policy the Authority have written to and consulted with the nine responsible authorities, five parish councils, 204 premises licence holders and 33 club premises certificate holders. The consultation was conducted between 31 July 2015 date and 23 October 2015.

We placed details of the draft statement of policy and the consultation process on our website and detailed this in a public advertisement on 31 July 2015 in the Watford Observer. **The Policy was approved by the full Council (The Licensing Authority) on XXX date.**



**LP1      FUNDAMENTAL PRINCIPLES**

**LP1.1      THE LICENSING OBJECTIVES**

In carrying out its licensing functions the Licensing Authority will promote the Licensing Act's four Licensing Objectives, which are:

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

Each of these objectives is to be considered equally. No one objective carries more importance or weight than another.

These are the only four matters to which the Authority can have regard.

In respect of each of the four Licensing Objectives, applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made as to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to, attract larger audiences.

**LP1.2      PURPOSE OF LICENSING POLICY**

The licensing policy has four main purposes. These are:-

- To support and to provide guidance to elected Members on the Licensing Committee and those who will be making decisions in the capacity as a Local Licensing Authority on the boundaries and power of the Committee;
- To inform licence applicants upon how the Local Licensing Authority will make licence decisions and therefore how a licensed premises is likely to be able to operate within the Three Rivers district (noting of course that each case must be examined on an individual basis and considered on its own merits);
- To inform residents and businesses upon how the authority will make licence decisions and therefore how their needs will be addressed; and
- To support decisions made by the Licensing Authority if these decisions are challenged in the Magistrates' Court. (The Court must have regard to the local policy in deciding appeals.)

**LP2      STATEMENT OF LICENSING POLICY**

**LP2.1** The Licensing Act 2003 requires that the Council publishes a 'Statement of Licensing Policy' that sets out the policies the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act. This Statement of Policy fulfils this requirement.

**LP2.2** In determining the Council's 'Statement of Licensing Policy', it has been prepared and reviewed in accordance with and in regard to the provisions of the 2003 Act and to the Secretary of State's guidance (as amended) issued under Section 182 of the Act. Referring to the Guidance is important for consistency, particularly where Licensing Authority boundaries meet.

**LP2.3** This Policy Statement takes effect on 7 January 2016 and will remain in force for a period of not more than 5 years. It will be subject to regular review and further consultation prior to January 2021.

**LP2.4** The Government reserves the right from time to time to update the Regulations and Guidance made under the Licensing Act 2003. In having regard to these changes that may be made by the Government, it is possible that this Policy will need to undergo further interim reviews to take account of and implement any relevant changes.

### **LP3            LINKS TO OTHER POLICIES, STRATEGIES AND PLANNING**

**LP3.1** In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, equality and diversity, tourism and regeneration, to ensure the proper co-ordination and integration of the aims and actions of these strategies. Review and amendment of these strategies will be considered for their impact on this Statement of Licensing Policy.

**LP3.2** Further, arrangements will be made for the Licensing Committee to receive reports, when appropriate, on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee will also be apprised of the local employment situation and the need for new investment and employment, where appropriate.

**LP3.3** To ensure proper integration with the Council's planning policies, the Licensing Committee will provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol-related crime and disorder, to enable the Development Control Committee to have regard to such matters when making its decisions.

**LP3.4** The Council recognises its responsibilities under the Race Relations Act, 1976, as amended by the Race Relations (Amendment) Act, 2000, the Equalities Act 2010, and other related legislation. The impact of this policy on race relations, equality issues and disabled people will be monitored through the Council's equality and diversity policies and strategies and the Licensing Authority will take these responsibilities into account when dealing with applications.

**LP3.5** The Licensing Authority's Licensing Enforcement Policy, which embodies the principles of the "Regulators' Code" (<https://www.gov.uk/government/publications/regulators-code>), adheres to Crown Prosecution Service (CPS) guidelines, most notably whether formal action is in the 'public interest'.

**LP3.6** One of the Licensing Objectives is 'the prevention of crime and disorder', so it follows that any conditions attached to licences will, so far as possible, reflect the key priorities arising from the consultation on the community safety strategy.

**LP3.7** It is the Licensing Authority's view that responsible licence holders can significantly contribute towards some community safety aims directly and indirectly, through the proper management of their premises and by supporting the Police in their efforts to detect crimes and their perpetrators.

**LP3.8** The responsible authorities are key in assisting the Licensing Authority to deliver its licensing service and the Licensing Objectives under the Act and the policy will develop and foster these relationships. The Licensing Authority will take into account the advice of the Local Health Authority via consultation or as part of continuous review of this policy.

**LP3.9** The Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, live music and dancing. Particular care will be taken to ensure that only necessary, proportionate and reasonable licensing conditions impose restrictions on

such events. Where there is any indication that licensing requirements are deterring such events, the policy will be re-visited with a view to investigating how the situation might be reversed.

**LP3.10** The Licensing Authority expects applicants to obtain all other required permissions and consents necessary (such as planning permission and building control approval). The obtaining of such permissions and consents will not be a pre-requirement for the granting of any licence under the Licensing Act 2003. Applicants should be aware that planning permission may impose more rigorous or less permissive restriction than those granted by the Licensing Authority. Where this is the case, the licence holder cannot use as a defence in any proceedings brought by another agency that he/she was permitted to open, or carry on the activity, by virtue of a premises licence or club premises certificate. In terms of complying with the law, all provisions must be complied with at all times, to avoid risk of prosecution.

#### **LP4            CONSULTATION**

**LP4.1** There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the Licensing Objectives.

**LP4.2** In developing this Policy Statement, the Licensing Authority consulted widely. Along with the statutory consultees (including the Chief Police Officer for the District, the Hertfordshire County Fire and Rescue Service and persons/bodies representative of existing licence holders) the views of Town and Parish Councils, those bodies/persons responding to the second consultation process in 2007 and bodies representing ethnic minority groups and disabled people were also sought. Due consideration was given to the views of all those who responded to the consultation process.

#### **LP5            APPLICATIONS**

**LP5.1** Three Rivers District Council will consult upon receipt of a premises application, new, variation and minor variation with the nine responsible authorities namely:

- Environmental Health
- Chief Officer of Police
- Fire and Rescue Authority
- Trading Standards
- Enforcing Authority for health and safety purposes (normally Environmental Health)
- Local Planning Authority
- Child Protection Authority
- Director of Public Health in England
- Licensing Authority.

**LP5.2** When considering applications, the Licensing Authority will have regard to:-

- (a) The Licensing Act 2003, as amended and the Licensing Objectives.
- (b) Government guidance issued under Section 182 of the Licensing Act 2003, as amended.
- (c) Any supporting regulations.
- (d) This Statement of Licensing Policy.
- (e) Amendments to the licensing regime brought about by:
  - The Police Reform and Social Responsibility Act 2011;
  - The Live Music Act 2012;
  - The Police and Crime Act 2009;
  - The Deregulation Act 2015;
  - Various regulations as published or as may be enacted from time to time.

This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

**LP5.3** When the Licensing Authority is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. For example, legislation governing health and safety at work and fire safety places a range of general and specific duties on employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. In particular, its licensing functions will be discharged separately from the Authority's functions as the local Planning Authority. However, applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. (Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.)

**LP5.4** When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the Police, they will be considered fairly by the committee. Those making representations that are aggrieved by a positive decision in favour of a Local Authority application by the Licensing Authority will be entitled to appeal to the Magistrates' Court and thereby receive an independent review of any decision made.

**LP5.5** In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

**LP5.6** Appendix A provides applicants with the details of the application process, having regard to the Licensing Act 2003, as amended, the regulations, statutory guidance and local practice and procedures. It should be noted that an incomplete or incorrect application will not be accepted but will be returned with an explanation of why it is incomplete or incorrect.

An application will only be deemed to be properly served if it has been given as follows:-

(a) By post and sent to the address shown below:-

Three Rivers District Council  
Three Rivers House  
Northway  
Rickmansworth  
Hertfordshire  
WD3 1RL

(b) Delivered in person to the above address during normal office opening hours, when a receipt will be issued.

(c) Has been sent to the Licensing Authority by electronic means, in accordance with the EU Services Directive.

It is the applicants' responsibility to send copies of their application in respect of the above to the responsible authorities if submitting the application in hard copy form, however in the case of electronic submissions, the Council will undertake this responsibility.

It must be noted that, upon the grant of a successful application, an annual fee will be payable on the first anniversary of the grant of the premises licence or club certificate and every year subsequently thereafter until such time as the licence is surrendered or revoked. Failure to pay within the respected timeframe may result in suspension of the licence or certificate under the Act.

## **LP6        REPRESENTATIONS**

**LP6.1** The Chief Officer of Police, the Fire and Rescue Authority, the Enforcing Authority for health and safety purposes, the Local Planning Authority, the authority responsible for Environmental Health (Noise and Pollution), Trading Standards, Child Protection Authority, The Director of Public Health in England and the Licensing Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four Licensing Objectives, and request reviews once licences have been granted.

**LP6.2** Local residents and businesses in the vicinity of the premises subject to the application, or their representatives, or any other person, are free to raise relevant representations. Members of the Licensing Authority may also make representations.

**LP6.3** A representation would only be 'relevant' if it relates to the effect of the grant of the licence on the promotion of at least one of the four Licensing Objectives. In addition, the representation must not be frivolous or vexatious, and in the case of reviews not repetitious.

It is only when relevant representations are received that the Licensing Authority may hold a hearing. Whilst there is a propensity to grant a licence, failure to illustrate that the Licensing Objectives will be adequately promoted may lead to refusal. If granting the application, the Licensing Authority will pay particular attention at any hearing on whether to impose extra conditions in addition to any that may already be included in the operating schedule with a view to promoting the Licensing Objectives.

Where no representations are received, the application must be granted on the terms sought by the applicant.

**LP6.4** Nothing in our Policy will override the right of any relevant person or body to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act. (A review means to make a complaint that a premises is not adhering to its licence conditions or is causing problems locally which contravene one or more of the four Licensing Objectives.)

**LP6.5** Conditions attached to various licences will be focused on matters which are within the control of individual licence holders and others granted relevant authorisations. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being in the 'vicinity' of licensed premises or places is a question of fact and will depend on the particular circumstances of each case.

**LP6.6** In cases of dispute, both applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority.

This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

**LP6.7** The Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. Licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and is, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless licensing law is key to providing a holistic approach to the management of the evening and night-time economies of town centres.

The expectation is that licensed premises will take responsibility for managing the quiet dispersal of their customers to the best of their ability.

Conditions in respect of public safety will only be attached to premises licences and club premises certificates that are necessary for the promotion of that licensing objective. Conditions will not be considered necessary when they relate to issues covered by other legislation. Where no such legislation exists licence conditions will be used as appropriate.

### **LP6.8 MEDIATION**

Where a responsible authority or another person (such as a member of the public, local resident or residents' association) has made a valid representation regarding an application or for a licence to be reviewed, the Licensing Authority will seek to encourage direct contact between the parties to try and achieve agreement. This process will not override the right of any responsible authority or other person to ask that the Licensing Sub-Committee consider a valid representation. Furthermore, this process will not undermine the rights of others under data protection law.

### **LP6.9 MAKING A REPRESENTATION**

Any person can make relevant representations about any application for a new licence or variations to a licence. Specifically, representations to an application may be made by the responsible authorities, experts and by local residents and businesses.

Representations that are deemed by the Council as being vexatious or frivolous will not be accepted.

Representations may only be made under the four Licensing Objectives in the Licensing Act 2003 and must be demonstrated based upon the individual premises concerned and in relation to the effect of the application on these objectives. The Council will expect examples to be given and will not consider applications that list the Licensing Objectives without demonstrating cause behind this,

A representation may only be accepted should the objector provide their name and address which will be made available to the applicant, although the Council may, in exceptional circumstances, allow objections with anonymity should there be significant concern for the person making said representation.

Representations must be made by midnight on the final day of the consultation period, usually 28 days in the case of a new premises licence or club premises certificate or variation of such licence or certificate. The consultation period in the case of minor variations is usually 10 working days.

The Council holds the right to extend this period or in some cases to entirely invalidate the application should the statutory process be jeopardised for example (but not exclusively) if an advertisement has not been displayed in the paper at all or within the specified time period or the required notice has not been displayed in the prescribed manner on or at the premises at all, or for the specified 28 consecutive days. However, extension to the

consultation will be determined on a case by case basis in line with evidence and statutory requirements. The general rule will be an extension by the number of days that it is believed that the consultation period has been shortened by e.g. if the notice were only displayed on the premises for 25 days, the consultation period would be extended by 3 days. In serious cases, where it appears on the balance of probability that the consultation requirements have not been met at all, the 28-day period would be recommenced and full advertising of the application required. The spirit of the consultation process is that responsible authorities and 'other persons' are given the right to make representation therefore, in matters where consultation is disputed, if it is evident that a number of people are aware by the volume of representations received, then benefit of the doubt may be given to the applicant.

#### **LP7.0 PARTNERSHIP WORKING**

The Licensing Authority will encourage local Pubwatch schemes in Three Rivers; Pubwatch is a voluntary body with the key aim of achieving a safe, secure, social drinking environment in all licensed premises that are committed to helping reduce drink-related crime.

#### **LP8.0 PERSONAL LICENCES**

**LP8.1** The Licensing Authority will scrutinise very carefully applicants for personal licences who are found to have unspent convictions for relevant offences and will, in all cases, notify the Chief Officer of Police for the area, as prescribed by the Act. The Authority reserves the right to refuse a licence, suspend a licence or revoke a licence on this basis.

**LP8.2** The Licensing Authority recognises that the holders of premises licences are responsible in law for supervising the sale of alcohol in their premises. The Licensing Act 2003 and the Licensing Regulations do not require the holder of the personal licence to be physically present on the premises during the hours that alcohol is sold but the holder, or recognised deputy, should be readily and easily contactable.

**LP8.3** Should it be necessary following any investigation into problem premises, an action plan or review of conditions may be imposed around personal licence holders' presence on premises.

**LP8.4** The Licensing Authority also recognises that there are a number of qualifications to help licence holders understand and meet the Licensing Objectives. The Licensing Authority will require all new applicants for personal licences to obtain such qualifications as are relevant to the premises they run. The Authority reserves the right to request further training or qualifications as deemed required following the outcome of an investigation into a problem premises.

The Licensing Authority will look favourably upon applications from persons who also hold additional relevant qualifications to the premises they intend to run. Whilst this will not affect the granting of a personal licence *per se*, it will have influence where such properly qualified persons are stated to be designated premises supervisor at large or complex venues. The purpose of this policy is to encourage personal licence holders to obtain additional relevant skills over and above the bare minimum.

**LP8.5** The Licensing Authority expects that, where retail sales of alcohol are to be allowed, licence holders observe and comply with the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. Retailers should ensure that they are able to receive and comply with Retailer Alert Bulletins issued by the Portman Group, available from: [advice@portmangroup.org.uk](mailto:advice@portmangroup.org.uk)

**LP8.6** In view of the Deregulation Act 2015, the Authority no longer requires a holder of a Personal Licence to renew their licence but the Authority expects that the licence card must hold a true likeness to the licensed individual. Under the 2003 Act, licence holders are

expected to keep the details on their licence including record of convictions updated whilst the licence remains in force.

#### **LP9.0 PREMISES LICENCES AND OPERATING SCHEDULES**

**LP9.1** The Licensing Authority recognises that Operating Schedules prepared by applicants as part of their overall application for premises licences are the key way to demonstrate promotion of the Licensing Act's four Licensing Objectives. A well prepared Operating Schedule is the best opportunity to demonstrate that applicants have considered all the ways in which the operating of their business may conflict with the Licensing Objectives, and how they intend to overcome these conflicts so far as is reasonably practical.

**LP9.2** The licensing officer will have authority to reject as "not duly made" applications that contain no details on addressing the four Licensing Objectives in the draft operating schedules.

**LP9.3** In all cases, the terms of the Operating Schedule will normally translate into licence conditions that set out how the business will be run. The Licensing Authority will endeavour to work in full co-operation with licence holders and applicants to minimise the number of disputes that may otherwise arise in this area.

**LP9.4** Applicants for new premises licences and those seeking variations to existing premises licences will be strongly advised to consult at the earliest opportunity with the Licensing Authority's licensing officers and the various other appropriate responsible authorities (e.g. Police, Fire & Rescue, and Environmental Health). This will provide an opportunity for the responsible authorities to comment on aspects of the Operating Schedule that they may feel are likely to give rise to objections, either from themselves as a statutory consultee to applications or, alternatively, from the public. Given this opportunity, the authorities may then be able to prevent such objections being raised, which is likely to be to the mutual advantage of both the applicant and the Licensing Authority.

**LP9.5** Garages will generally be prohibited from applying for a premises licence by reason of Section 176 of the Act if they are used primarily for one or more of the following:-

- (i) Retailing petrol
- (ii) Retailing diesel
- (iii) Selling motor vehicles
- (iv) Maintaining motor vehicles.

The Licensing Authority will expect the applicant to provide all supporting information, in relation to "primary use" of the garage, at the time of application. The purpose of this requirement is to assist the Licensing Authority in determining the application properly, regardless of whether a Licensing Sub-Committee is required to consider any representations.

#### **LP10.0 DESIGNATED PREMISES SUPERVISOR (DPS)**

**LP10.1** Within the operating schedule for premises from which alcohol will be sold, with the exception of qualifying community premises, a Premises Supervisor must be designated ('Designated Premises Supervisor') and such person must be in possession of a current Personal Licence. The Licensing Authority will normally expect the Designated Premises Supervisor to have been given the day to day responsibility for running the premises by the premises licence holder and, as such, would normally be present on the licensed premises on a regular basis.

**LP10.2** In addition to the DPS holding a personal licence, the Licensing Authority would strongly encourage the DPS to undergo additional training and to have experience



commensurate with the nature and style of entertainment provided and the capacity of the premises.

**LP10.3** The Act does not require a DPS or any other Personal Licence Holder to be present on the premises at all times when alcohol is sold. However, the DPS and the Premises Licence Holder remain responsible for the premises at all times and have a duty to comply with the terms of the Licensing Act and any conditions, including the matters set out in the premises' Operating Schedule, in order to promote the Licensing Objectives. To that end, the Licensing Authority will be mindful of the Guidance issued by the Secretary of State, which recommends that a Personal Licence Holder/DPS gives specific written authorisations to those individuals they are authorising to retail alcohol.

Although written authorisation is not a requirement of the Act and the Designated Premises Supervisor/Personal Licence Holder remain ultimately responsible for ensuring compliance with the Act and licensing conditions, this action could assist in demonstrating due diligence should any issues arise with regard to enforcement. The Licensing Authority will therefore expect that, where the Personal Licence Holder/DPS does not have the premises under their immediate day to day control, written authorisations will be issued to staff acting on their behalf, such authorisations being made available for inspection by a responsible officer of the Licensing Authority or the Police upon request.

#### **LP11.0 LIVE MUSIC, DANCING AND THEATRE**

**LP11.1** The Licensing Authority proposes that only conditions necessary for the promotion of the Licensing Objectives will be attached to licences for activities of this nature. The Licensing Authority is aware of the need to avoid measures imposing indirect costs of a substantial nature that deter live music, dancing and theatre.

#### **LP11.2 LIVE MUSIC ACT 2012**

Under the Act, both Live and Recorded Music are deregulated on alcohol licensed premises between the start and end of the premises' alcohol licensed hours or between the hours of 08:00 and 23:00 whichever is the lesser. In effect this means that, should a premises have an alcohol licence until 23:30, live music unless duly applied for must cease at 23:00 in line with the terms of the deregulation.

The Authority reserves the right to work with its partners and act on evidence as appropriate in cases of noise nuisance and those in which other aspects of the Licensing Objectives are in jeopardy in order to secure exemption orders from the privileges secured under the Deregulation Act.

#### **LP12 DEREGULATION OF ENTERTAINMENT**

In 2012 the Government introduced further changes to the Licensing Act 2003. One such change is the deregulation of Schedule 1. In 2012, the Government launched a consultation on the deregulation of most entertainment activities that require a licence under the 2003 Act. The response to this consultation was published in January 2013 along with proposals to further deregulate entertainment from licensing controls.

As a result of this, the following activities are no longer licensable between the hours of 8am and 11pm;

- Performances of plays up to an audience of 500 people;
- Exhibitions of dance up to an audience of 500 people;
- Indoor sport up to an audience of 1000 people;
- Boxing and Wrestling (with the exceptions of Greco-Roman and freestyle forms of wrestling).

Note that Combined Fighting Sports and Adult Entertainment remains a licensable activity irrespective of audience numbers and the time of the event.

In general terms, the new policy builds upon the partial deregulation brought in by the Live Music Act, extending the range of entertainment activities covered and, in some cases, the maximum audience size allowed. There are also certain exemptions in relation to community venues such as council-run halls, schools, hospitals and nurseries.

### **LP13      THE NEED FOR LICENSED PREMISES**

There can be confusion about the difference between “need” and the “cumulative impact” of premises on the Licensing Objectives. “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

### **LP14      CUMULATIVE IMPACT OF A CONCENTRATION OF LICENSED PREMISES**

**LP14.1** The term ‘Cumulative Impact’ means the potential impact on the promotion of the Licensing Objectives of a significant number of licensed premises concentrated in one area. The cumulative impact of licensed premises on the promotion of the Licensing Objectives is a proper matter for the Licensing Authority to consider when reviewing the statement of Licensing Policy.

**LP14.2** The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in the streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise and other disturbance to residents, together with an increase in littering and fouling. In such cases the amenity of local residents can be placed under pressure but this may not be attributable to any individual premises.

**LP14.3** The Licensing Authority proposes to reserve its right to adopt a Cumulative Impact Policy (CIP) as provided for by the Secretary of State’s Statutory Guidance and which is outlined below. If this is ever applied, it might lead the Licensing Authority in turn to consider the question of whether the grant of any further premises licences or club premises certificates would undermine one or more of the Licensing Objectives.

**LP14.4** The CIP will only be used in circumstances where it has been shown it is appropriate to do so. This will be when the cumulative impact of licensed premises in a clearly defined geographical area is such that one or more of the Licensing Objectives is being compromised and therefore the addition of further premises will add to the cumulative impact in that area.

**LP14.5** In determining whether the CIP needs to be applied in an area, the Licensing Authority will consider representations based on the impact on the Licensing Objectives if a particular application were to be granted. The onus would be on objector(s) to provide the evidence base for the assertion that the addition of the premises in question would produce the suggested impact(s) on the licensing objective(s) in question. To aid the making of representations in cases where cumulative impact is considered a possibility, the Licensing Authority may hold open meetings, well publicised in the local community, at which the community can express how well it feels the Licensing Objectives are being met.

**LP14.6** The CIP is not absolute and so each application will be considered properly on its own merits. Where further licensed premises are unlikely to add significantly to the cumulative impact on the Licensing Objectives, the licence will be granted.

**LP14.7** The Licensing Authority will seek a reduction in crime and disorder, as is consistent with the Licensing Act 2003 Licensing Objectives and with the Council’s statutory duties.

Similarly, there will be an equal focus on improving the local amenity of an area through the reduction of nuisance and anti-social behaviour.

**LP14.8** Where a CIP has been declared and where it has been shown to the Licensing Authority that the addition of further licensed premises will add to the cumulative stress of all premises in a clearly defined geographical area, the Licensing Authority will not normally grant further licences that:

- a) seek to increase the total capacity of premises licensed to sell alcohol for the consumption on the premises and/or;
- b) provide regulated entertainment past 10:00pm, unless the application is to replace other so-licensed premises.

**LP14.9** Each case will be determined on its own merits. To this end, licences may be granted if an applicant can reasonably demonstrate that a positive reduction in crime and disorder will result, or that it will not increase. Likewise, the same applies in the case of nuisance. Variations to extend operating hours (other than for occasional variations) will not normally be granted if the application is for later than 00:00 hours (midnight).

## **LP15.0      ADVICE AND GUIDANCE**

**LP15.1** The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003, as amended, provide and welcomes the diversity of activities that are provided by licence holders. In respect of new businesses and developments involving licensable activities, the Licensing Authority welcomes an early opportunity to offer advice and guidance whether before or after planning permission has been sought. At this stage, it is often easier and more cost effective to integrate issues such as crime and disorder, transport and public safety into the early design stages. With regard to existing businesses, discussions prior to submitting an application under the Licensing Act 2003, as amended, will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority, Hertfordshire Police and/or Hertfordshire County Fire and Rescue Service will offer as much advice and guidance to applicants as resources permit.

**LP15.2** The Licensing Authority will also seek to liaise with applicants, and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his or her proposal with the Licensing Authority and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

Appendix B provides details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating schedule and running a safe premises / event.

## **LP16.0      REVIEWS**

**LP16.1** Where possible and appropriate, the Licensing Authority, Hertfordshire Police and/or Hertfordshire County Fire and Rescue Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

Responsible authorities and/or interested parties living in the vicinity can trigger a review of a premises licence but an evidentiary basis would be required to be presented to the Licensing Authority.

**LP16.2** No more than one review from interested parties will normally be permitted within any 12-month period on similar grounds except in exceptional and compelling circumstances.

### **LP17.0     TRADING HOURS**

**LP17.1** With regard to trading hours, the Licensing Authority proposes that proper consideration will always be given to the individual merits of an application. The Government strongly recommends that statements of licensing policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that concentrations of customers leaving premises simultaneously are avoided, and the Licensing Authority supports this view in principle.

**LP17.2** The Licensing Authority recognises the potential for additional crime and disorder and / or public nuisance arising from extended licensing hours. Consequently the Licensing Authority will scrutinise very carefully applications for extended licensing hours and, if determined appropriate, will seek to attach any necessary licence conditions for the promotion of the Licensing Objectives. For example, stricter conditions with regard to noise control will be expected in areas where the venue is in the vicinity of people's homes, but this should not unduly limit opening hours without regard to the individual merits of any application.

**LP17.3** With regard to shops, stores and supermarkets, the authority will normally approve a licence for such premises to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping, unless there is good reason for restricting those hours.

**LP17.4** In the interests of reducing crime, disorder and anti-social behaviour, the Licensing Authority will prefer applications from public houses, night-clubs, off-licenses and clubs that show in their operating schedules a responsible approach to alcohol sales by:

- ending alcohol sales at a designated time before they close, i.e. a closing time later than "a last orders" time for alcohol sales;
- specifying a time by which the premises will be emptied of patrons and closed; and (particularly);
- not taking part in discounted drinking promotions.

### **LP18.0     PROMOTING THE LICENSING OBJECTIVES**

**LP18.1** The following sections set out the Licensing Authority's Policy relating specifically to the four Licensing Objectives:

- (a) The Prevention of Crime and Disorder
- (b) Public Safety
- (c) The Prevention of Public Nuisance
- (d) The Protection of Children from Harm.

**LP18.2** In each section relating to the objectives, the Licensing Authority has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.

Further, in each section, a list of possible control measures is provided to be of assistance to applicants, but again is not intended to be an exhaustive list. Many control measures achieve

more than one objective but have not necessarily been listed under each objective. Similarly, applicants will not be required to mention a control measure more than once in their operating schedule.

**LP18.3** The selection of control measures, referred to in the above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.). Whilst the Licensing Authority cannot require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of him/her wishing to make application for variation or in response to changing circumstances/conditions at the premises.

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

**LP18.4** The Licensing Authority considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the Licensing Objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.

**LP18.5** In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the four Licensing Objectives, (except in respect of premises licensed exclusively for the consumption of food and/or alcohol off the premises). The Licensing Authority will expect the issue of occupancy capacity to be considered and addressed, where necessary, within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.

**LP18.6** The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events.

These include:-

- (a) The nature of the premises or event;
- (b) The nature of the licensable activities being provided;
- (c) The provision or removal of such items as temporary structures, such as a stage, or furniture;
- (d) The number of staff available to supervise customers both ordinarily and in the event of an emergency;
- (e) The age of the customers;
- (f) The attendance by customers with disabilities, or whose first language is not English;
- (g) The availability of suitable and sufficient sanitary accommodation;
- (h) The nature and provision of facilities for ventilation.

**LP18.7** The Licensing Authority will consider applications for minor variations to premises licences, provided that the Authority is satisfied that the variation will not adversely impact on the Licensing Objectives and the Licensing Authority will consult with Responsible Authorities whom they deem necessary to make such assessment.

**LP18.8** The agreement to a capacity for premises or events should not be interpreted as a requirement to also provide permanent monitoring arrangements such as door staff, attendance clickers or maintenance of attendance records. The Licensing Authority recognises that the person in charge of the premises can often readily assess the occupancy level of the premises without resort to such measures. However, where the capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant will be expected to detail the additional arrangements that will be put in place to ensure that the capacity of the premises is not exceeded.

#### **LP19.0      PREVENTION OF CRIME AND DISORDER**

**LP19.1** It is recommended that applicants for new premises licences and variations should discuss the crime prevention procedures in their premises with the responsible authorities and the licensing officer before making a formal application.

**LP19.2** Three Rivers District Council is committed to further improving the quality of life for the people of the District of Three Rivers by continuing to reduce crime and the fear of crime.

**LP19.3** Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on the Licensing Authority, Police and County Councils amongst others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003, as amended, reinforces this duty for local authorities.

**LP19.4** The promotion of the licensing objective, to prevent crime and disorder, places a responsibility on licence holders to become key partners in achieving this objective. Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to reduce or prevent crime and disorder on and in the vicinity of their premises, relevant to the individual style and characteristics of their premises and events.

**LP19.5** When addressing the issue of crime and disorder, the applicant should demonstrate that those factors that impact on crime and disorder have been considered. These may include:-

- (a) Underage drinking;
- (b) Drunkenness on premises;
- (c) Public drunkenness;
- (d) Drugs;
- (e) Violent behaviour;
- (f) Anti-social behaviour.

#### **LP 19.6 CONTROL MEASURES**

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises.
- (b) Training and supervision of staff.
- (c) Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, "Security in Design", "Drugs and Pubs" which are published by the British Beer and Pub Association [BBPA])
- (d) Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards, e.g. 'Prove It' and/or 'new type' driving licences with photographs.
- (e) Provision of effective CCTV in and around premises.
- (f) Employment of Security Industry Authority licensed door staff.
- (g) Provision of toughened or plastic drinking vessels.

- (h) Provision of secure deposit boxes for confiscated items ('sin bins').
- (i) Provision of litterbins and other security measures, such as lighting, outside premises.
- (j) Membership of local 'Pubwatch' schemes or similar organisations.
- (k) Use of specialist equipment such as a High Frequency Deterrent Device known as a 'Mosquito Device' in order to deter and drive away congregations of young persons outside premises.

## **LP20.0      PREVENTION OF PUBLIC NUISANCE**

**LP20.1** With regard to the prevention of public nuisance, the Licensing Authority will determine all new or varied licence applications considering all relevant factors, including:

- The nature of the activities at the premises;
- The hours of opening;
- Proximity to residential premises;
- Management of the premises;
- The history of the premises' effect on neighbours and others in the vicinity;

**LP20.2** The Licensing Authority will consider all proposed control measures, including:

- a) Effective and responsible management;
- b) Staff training;
- c) Adoption of best practice on noise control;
- d) Installation of suitable acoustic control measures;
- e) Where relevant, door supervision and management of customers as they enter and leave the premises.

**LP20.3** Three Rivers District has many licensed premises that are close to or even enclosed by residential areas. Most of these are traditional community public houses and currently tolerated as the terminal hour is well established and neighbours know when they might expect any disturbances causing public nuisance to end.

**LP20.4** It follows that operators of licensed premises that are in the vicinity of domestic premises (and in the vicinity of business/commercial premises, places of learning and places of worship) may find that applications for variations seeking:

- Extended hours of opening or trading;
- The provision of regulated entertainment;
- The provision of late night refreshment;
- The supply of alcohol;

may be subject to representations from such neighbours, their representative(s) and/or the Environmental Health Officer on the grounds that public nuisance might be caused by the intended activity. In most cases such representations will result in a hearing, conducted by the Licensing Sub-Committee.

**LP20.5** The Licensing Authority strongly encourages applicants to seek early discussions with the local Environmental Health Officer (or the responsible officer for pollution) with the aim of resolving how potential public nuisances might be effectively controlled, so that agreed measures might be built into the operating schedule as mutually acceptable conditions. In this way representations from the Environmental Health Officer may be avoided. The Council also encourages local mediation in certain situations that might be amenable to such a solution.

**LP20.6** Many, but not all, public nuisance issues can be resolved through reasonably practical and effective control measures. If such measures are not detailed in the operating schedule accompanying the application, and if then a local hearing takes place, the application may well be viewed unfavourably by the Licensing Committee.

**LP20.7** Licensed premises have a significant potential to impact adversely on communities through public nuisances that arise from their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from the consequence of the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

**LP20.8** The Licensing Authority intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area. Applicants need to be clear that the Licensing Authority will normally apply stricter conditions, including controls on licensing hours, where licensed premises are in residential areas and where relevant representations have been received. Conversely, premises for which it can be demonstrated they have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.

**LP20.9** In the case of shops, stores and supermarkets selling alcohol, the Licensing Authority will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.

**LP20.10** Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.

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

- (a) The location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship;
- (b) The hours of opening, particularly between 23:00 and 07:00;
- (c) The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises;
- (d) The design and layout of premises and in particular the presence of noise-limiting features;
- (e) The occupancy capacity of the premises;
- (f) The availability of public transport;
- (g) A 'wind-down period' between the end of the licensable activities and closure of the premises;
- (h) A last admission time.

#### **LP20.11 CONTROL MEASURES**

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises;
- (b) Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g; to ensure customers leave quietly;
- (c) Control of operating hours for all or parts (e.g; garden areas) of premises, including such matters as deliveries and collections;



- (d) Adoption of best practice guidance (e.g; Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by the Institute of Acoustics, Licensed Property: Noise, published by BBPA);
- (e) Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- (f) Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises;
- (g) Liaison with public transport providers;
- (h) Sighting of external lighting, including security lighting;
- (i) Management arrangements for collection and disposal of litter including the provision of appropriate receptacles;
- (j) Clearly showing the name of the premises on all disposable packaging used for takeaway food and/or hot drinks;
- (k) Effective ventilation systems to prevent nuisance from odour;
- (l) Use of specialist equipment such as a High Frequency Deterrent Device known as a 'Mosquito Device' in order to deter and drive away congregations of young persons outside premises.

## **LP21.0      PUBLIC SAFETY**

**LP21.1** The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. To this end, applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety, relevant to the individual style and characteristics of their premises and events.

**LP21.2** When addressing the issue of public safety, an applicant must demonstrate that those factors that impact on the standards of public safety have been considered. These may include:-

- (a) The occupancy capacity of the premises;
- (b) The age, design and layout of the premises, including means of escape in the event of fire;
- (c) The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature;
- (d) The hours of operation (differentiating between the hours of opening from the hours when licensable activities are provided, if these are different);
- (e) The Customer profile (e.g; age, disability);
- (f) The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.;
- (g) Compliance with the Equalities Act etc.

## **LP21.3 CONTROL MEASURES**

The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Suitable and sufficient risk assessments;
- (b) Effective and responsible management of premises;
- (c) Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons;
- (d) Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons;

(e) Adoption of best practice guidance (e.g; Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA);

(f) Provision of effective CCTV in and around premises;

(g) Provision of toughened or plastic drinking vessels;

(h) Implementation of crowd management measures;

(i) Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc., pertinent to safety.

#### **LP24.0      PROTECTION OF CHILDREN FROM HARM**

**LP24.1** The protection of children from harm is a most important issue. It is hoped that family-friendly premises will thrive, but the risk of harm to children remains a paramount consideration when determining applications.

**LP24.2** The general relaxation in the Licensing Act 2003, as amended, giving accompanied children greater access to licensed premises is a positive step, aimed at bringing about a social change in family-friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and others accompanying children also have responsibilities.

**LP24.3** Guidance from the Government states that licensing policies should make clear that conditions requiring the admission of children to any premises cannot be attached to licences or certificates. The Licensing Authority proposes that where no licensing restriction is necessary, this should remain a matter for the discretion of the individual licence holders or club or person who has given a temporary event notice.

**LP24.4** Venue operators seeking premises licences and club premises certificates may also volunteer such prohibitions and restrictions in their operating schedules because their own risk assessments have determined that the presence of children is undesirable or inappropriate. Where no relevant representations are made to the Licensing Authority concerned, these volunteered prohibitions and restrictions will become conditions attaching to the licence or certificate and will be enforceable as such. The Licensing Authority in these circumstances may impose no other conditions concerning the presence of children on premises.

**LP24.5** The policy cannot attempt to anticipate every issue that could arise in respect of children; therefore general rules are avoided and each application will be considered on its merits.

**LP24.6** The protection of children from harm includes the protection of children from moral, psychological and physical harm, when attending licensed premises.

**LP24.7** There are a number of important areas that will give particular concern in respect of children these include but are not exhaustive to the following examples:-

(a) Where entertainment or services of an adult or sexual nature are provided;

(b) Where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;

(c) Where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;

(d) Where there is a known association with drug-taking or dealing;

(e) Where there is a strong element of gambling on the premises (but not, for example, the simple presence of a small number of cash prize gaming machines), and

(f) Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

**LP24.8** Consequently the Licensing Authority proposes that there needs to be a range of alternatives, which will be considered for limiting the access of children where that is necessary for the prevention of harm to children. These, which can be adopted in isolation or combination, include:

- Limitations on the hours when children may be present;
- Limitations on the exclusion of the presence of children under certain ages;
- Age limitations (below 18);
- Requirements for accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

**LP24.9** In the case of premises giving film exhibitions, the applicants should include in their operating schedule arrangements for restricting children from viewing age-restricted films. Similarly, in relation to such premises, a mandatory condition will be applied requiring that access will be restricted to only those who meet the required age limit in accordance with any certificate granted by the British Board of Film Classification, or in specific cases, the local authority.

**LP24.10** The Licensing Authority expects that licence holders contribute to this element by ensuring that age related checks are carried out and that the recommendation is that the forms of proof of identification accepted would include passport, photocard, driving licence and the Proof of Age Standards Scheme (PASS card).

**LP24.11** Where a large number of children are likely to be present on a licensed premises e.g. for a children's show or pantomime, the Licensing Authority may impose a condition requiring an adequate ratio of adults to children. This is to control the access and egress of children and to protect them from harm. Such a ratio will be calculated by a formula which has regard to the number of children, the age of the children, and the nature of the venue itself. Guidance on such a ratio is given in Parts 3 & 5 of Annex D of the Revised Guidance, issued on 28 June 2007.

**LP24.12** The Licensing Authority considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises, unless this is necessary for the prevention of physical, moral or psychological harm to them. The Licensing Authority has no intention of imposing conditions requiring the admission of children and, where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club, or person who has given a Temporary Event Notice.

**LP24.13** Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to protect children from harm, relevant to the individual style and characteristics of their premises and events.

**LP24.14** Whilst children may be adequately protected from harm by the action taken to protect adults, they may also need special consideration, and no policy can anticipate every situation. When addressing the issue of protecting children from harm, the applicant must demonstrate that those factors that impact on harm to children have been considered.

#### **LP24.15 CONTROL MEASURES**

The following examples of control measures are given to assist applicants and are considered to be amongst the most essential that applicants should take account of in their operating schedule, having regard to their particular type of premises and/or activities:-

- (a) Effective and responsible management of premises;
- (b) Provision of a sufficient number of people employed or engaged to secure the protection of children from harm;
- (c) Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm;
- (d) Adoption of best practice guidance (Public Places Charter, The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks).
- (e) Limitations on the hours when children may be present in all or parts of the premises;
- (f) Limitations or exclusions by age when certain activities are taking place (e.g. feigned or actual sexual acts or fetishism, etc.);
- (g) Imposition of requirements for children to be accompanied by an adult;
- (h) Measures to ensure children do not purchase, acquire or consume alcohol;
- (i) Measures to ensure children are not exposed to incidences of violence or disorder;
- (j) Limitations on the parts of premises to which children might be given access.

These examples can be adopted in any combination.

## **LP25.0      LICENCE CONDITIONS**

**LP25.1** Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Licensing Authority will seek to make objective judgments as to whether conditions may need to be attached to various authorisations in order to promote the Licensing Objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned. These conditions will cover matters that are within the control of individual licensees and others with relevant responsibilities.

**LP25.2** The Licensing Authority acknowledges that the licensing function cannot be used for the general control of nuisance or the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of the individual, club or business holding the licence, certificate or authorisation concerned. These include:

- (a) Planning controls;
- (b) Positive measures to create a safe and clean town environment in partnership with local businesses, transport operators and other services within the Local Authority;
- (c) The provision of CCTV surveillance in town centres, ample taxi ranks, street cleaning and litter patrols;
- (d) Powers of Local Authorities to restrict consumption of intoxicating liquor in designated public places other than Premises licensed for 'on' sales;
- (e) Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- (f) The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- (g) The confiscation of alcohol from children and adults in designated areas;
- (h) The power of the Police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question;
- (i) Action under the Violent Crime Reduction Act 2006.

**LP25.3** In order to minimise problems and the necessity for hearings, it would be reasonable for applicants and clubs to consult with Responsible Authorities when operating schedules are being prepared to allow for proper liaison before representations prove necessary.

**LP25.4** If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.

**LP25.5** The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Although the Licensing Authority may maintain a pool of conditions which may be produced to assist applicants and others, standard conditions, other than mandatory conditions, will be avoided and no condition will be imposed that cannot be shown to be appropriate and proportionate for the promotion of the Licensing Objectives.

The Licensing Authority will consider and, if necessary, tailor conditions listed in the pools of conditions provided in the Secretary of State's Guidance and attached to licences as appropriate. However, details of these are not included within this Policy because it would be impractical to try and envisage every conceivable scenario in advance. Consequently, tailored conditions will be drafted and attached to licences specific to the respective premises to which they need to apply and commensurate with the aim of promoting all or any one of the four Licensing Objectives.

**LP25.6** The pools of licence conditions in the Secretary of State's Guidance are provided by way of example only and do not form part of this Policy. The Licensing Authority therefore reserves its right to make additions or alterations to them without prior notice.

## **LP26.0      TEMPORARY EVENTS**

**LP26.1** Certain temporary events are not required to be licensed but must be notified to the Licensing Authority using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder, (see Appendix C for details regarding the application process and timescales for the submission of Temporary Event Notices).

**LP26.2** With regard to permitted temporary events the Licensing Authority expects the co-operation of Personal Licence holders and other people serving Temporary Event Notices (TENs) in allowing more than the minimum required notice period of 10 working days. The Licensing Authority recommends that applicants for TENs endeavour to give at least two months' notice to hold all but the **smallest events**; this will allow the Licensing Authority and Police to help organisers plan their events safely and may mean the Police are less likely to object to the proposed event.

**LP26.3** Organisers of temporary events should be aware that, although a licence or authorisation may not be needed under the Licensing Act, other legislation might apply. This can include:

- Health and Safety at Work etc. Act 1974;
- The Regulatory Reform (Fire Safety) Order 2005;
- Environmental Protection Act 1990.

## **LP27.0      LARGE SCALE EVENTS**

**LP27.1** In the instance of a Temporary Event holding more than 499 people, a temporary Premises Licence will be required. The standard process and consultation period will be required.

It is advisable in these instances that organisers of events aiming to exceed 499 people contact the Licensing Authority at least 6 months prior the event taking place, although there is no statutory requirement to do so. Whilst a premises licence could be granted after 28 days of the application being served, applicants should be aware that the processing time for an application that has received relevant representations can be up to 2 months. The Authority encourages organisers to have early discussions with responsible authorities such as the Police, Environmental Health and Fire Protection Department of Hertfordshire Fire and Rescue Service.

**LP27.2** The Licensing Authority encourages the organiser's participation in the Safety Advisory Group in order to discuss with the authorities concerned any issues that could potentially arise and control measures that may be appropriate to implement.

## **LP28.0      ENFORCEMENT AND INSPECTION**

**LP28.1** The Licensing Authority has developed and implemented joint enforcement protocols with the Police and Fire & Rescue Services in Hertfordshire and other enforcement agencies as necessary such as Hertfordshire Trading Standards. These protocols will provide for the targeting of agreed problem areas and high-risk premises that require greater attention, while applying a lighter touch to low-risk premises.

**LP28.1** The targeting and inspection of premises will be based upon these protocols and, in addition, driven by complaints about specific premises. As mentioned above, this also includes the targeting of inspections towards events being operated under the terms of a TEN.

**LP28.2** There will be an inspection programme that will seek to visit and inspect all premises over time, dependent on their perceived risk. For example, high-capacity, late-night entertainment venues are likely to be inspected more frequently than, say, premises used very infrequently.

**LP28.3** The use of the premises is not the only factor to be taken into consideration when judging the risk posed. The Licensing Authority proposes that equally (and sometimes more) important is the management of those premises i.e. the previous experience/qualifications of the licence holder and/or Designated Premises Supervisor, the systems and procedures in place to ensure adherence to the operating schedule and compliance with licence conditions etc.

**LP28.4** All these and other necessary factors will be taken into account when developing a risk-based inspection programme. In any event, the overriding consideration will be the specific merits of individual premises and how they are managed and operated, rather than trying to categorise premises for inspection at arbitrary time intervals. It is likely that a nationally recommended risk assessment method will be developed within the life of the policy. The Licensing Authority reserves the right to trial and adopt any such method where that can be shown to be a useful tool in managing the routine inspection programme of licensed premises.

## **LP29.0      DELEGATION OF FUNCTIONS**

**LP29.1** With the exception of the approval and review of its Licensing Policy and the making of early morning alcohol restriction orders policy, decisions on licensing matters will be taken in accordance with an approved scheme of delegation aimed at underlining the principles of

timely, efficient and effective decision-making. A table setting out how the Licensing Authority will approach its various functions is attached at Appendix D. The Licensing Committee will receive regular reports regarding licences determined by officers under delegated powers, in order to maintain an overview of the general situation.

**LP29.2** Full details of the Council's Constitution can be found on the Council web site [www.threerivers.gov.uk](http://www.threerivers.gov.uk) and the terms and references and the delegation of functions of the Licensing Committee are described in full. In respect of responsibilities under the Licensing Act 2003, the Council has delegated all aspects of licensing under the Act, other than the approval and publishing of a Licensing Policy Statement that will be approved by full Council. The Council will establish one or more sub-committees, each consisting of three members of the Licensing Committee and chaired by either the Chairman or Vice-Chairman of the Licensing Committee to deal with matters relating to licence for activities in accordance with any regulations made under the Licensing Act 2003.

**LP29.3** Although essentially a matter for Licensing Authorities to determine themselves, the Secretary of State recommends that delegation should be approached in accordance with the Guidance. The Licensing Authority accepts the delegations specified in the Guidance. Where, under the terms of the Act, there are no representations on an application to the grant of a premises licence or club premises certificate, these matters will be dealt with by officers in order to speed matters through the system. Any such matters delegated in this way will then be listed for information at the next Committee meeting, although there is no opportunity to reverse officers' decisions.

**LP29.4** The full Licensing Committee shall comprise between 10 and 15 Elected Members, with hearings / reviews of licences taking place before sub-committees made up of three Members of the Licensing Committee.

**LP29.5** Members for Sub-Committees will be selected in order that no Member will hear an application / appeal / review for a premises located in their own Ward. This is to avoid any perception that any Member(s) sitting on a Sub-Committee may be biased towards or against the premises concerned.

**LP29.6** This Policy includes provision for the review, by the Licensing Committee, of any future circumstances where the latent Cumulative Impact Policy may be brought into effect.

**LP29.7** All functions proposed to be delegated to the Sub-Committee, or to officers, can be carried out by the Full Committee.

## **LP30.0      GLOSSARY OF TERMINOLOGY (AS USED IN THE LICENSING ACT 2003)**

**CHILD** is defined as an individual aged under 16.

A child is unaccompanied if he or she is not in the company of an individual aged 18 or over.

### **HOT FOOD OR HOT DRINK**

Food or drink supplied on or from any premises is "hot" for the purposes of Schedule 2 to the Act if the food or drink, or any part of it:

- i) before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature, or
- ii) after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

**LICENSABLE ACTIVITIES AND QUALIFYING CLUB ACTIVITIES** are defined in the Licensing Act as:

the sale by retail of alcohol;  
the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;  
the provision of regulated entertainment;  
the provision of late night refreshment.

For those purposes the following licensable activities are also qualifying club activities:  
the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;  
the sale by retail of alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place;  
the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of the club and their guests.

**PROVISION OF LATE-NIGHT REFRESHMENT** is defined as:

- i) The provision of hot food refreshment or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11:00 pm and 5:00 am or;
- ii) At any time between those hours when members of the public, or a section of the public, are admitted to any premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

**REGULATED ENTERTAINMENT** is defined as:

- a) A performance of a play;
- b) An exhibition of film;
- c) An indoor sporting event;
- d) A boxing or wrestling entertainment;
- e) A performance of live music;
- f) Any playing of recorded music;
- g) A performance of dance;
- h) Entertainment of a similar description to that falling within paragraph e), f) or g) where the entertainment takes place in the presence of an audience and is provided for the purpose, or for purposes which include the purpose, of entertaining that audience. Any reference to an audience includes a reference to spectators. This definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation).

**RESPONSIBLE AUTHORITY** is defined as:

- i) the Chief Officer of Police for any Police area in which the premises are situated;
- ii) the Fire Authority for any area in which the premises are situated;
- iii) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 for any area in which the premises are situated;
- iv) the local Planning Authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated;
- v) the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
- vi) a body which: a) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and b) is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters.
- vii) the local Weights and Measures Authority;
- viii) any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated;
- ix) in relation to a vessel:
  - a) a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the



vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities

b) the Environment Agency

c) the British Waterways Board, or

d) the Secretary of State

e) a person prescribed for the purpose of this subsection.

x) the Licensing Authority;

xi) the Local Health Body

**TEMPORARY EVENT** is defined as:

The use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence covering the licensable activity is not in place. It is limited to events involving fewer than 500 people.

NOTE Temporary Event Notices (TENs) are limited to five temporary event applications per applicant per calendar year (1<sup>st</sup> January to 31<sup>st</sup> December yearly), fifty per calendar year in the case of applicants who are personal licence holders, limited to fifteen per premises per calendar year, not exceeding a total number of twenty-one days per year, a minimum of twenty-four hours must pass between Temporary Events on a particular premises.

## APPENDIX A

### DETAILS OF THE APPLICATION PROCESS TO APPLY FOR A PREMISES LICENCE/CLUB PREMISES CERTIFICATE UNDER THE PROVISIONS OF SECTION 17/71 OF THE LICENSING ACT 2003.

#### (PREMISES LICENCE/CLUB CERTIFICATES)

You should note that the forms are prescribed forms issued by the Government. The application form must be completed in BLACK INK. Please read any instructions and guidance notes before completing the form. When submitting your application to Three Rivers District Council (Three Rivers House, Northway, Rickmansworth, WD3 1RL), you must also enclose:

- The appropriate application fee (based upon the rateable value of the premises).  
Note there is a fee for a Premises Licence/Club Certificate which is payable annually on the anniversary of the granting of the application. Non-payment of this fee will be treated by the Licensing Authority as a serious matter and will result in the suspension of the licence.
- A plan of the premises at a scale of 1:100 which complies with the Regulations.
- If alcohol is to be sold, the consent form completed by the proposed Premises Supervisor.

You are required to serve a copy of your complete application on the Responsible Authorities:

#### Three Rivers District - Responsible Authorities under Licensing Act 2003

##### 1. Chief Officer of Police

Police Licensing Officer  
Community Safety Unit  
Rickmansworth Police Station  
Three Rivers House  
Northway  
Rickmansworth  
WD3 1RL  
Tel.: 01923 472284  
Fax.: 01923 472259  
Email: [Lucy.MILES@herts.pnn.police.uk](mailto:Lucy.MILES@herts.pnn.police.uk)

##### 2. The Fire Authority

Hertfordshire Fire and Rescue Service  
Fire Protection  
Postal Point MU 103  
Mundells  
Welwyn Garden City  
Hertfordshire  
AL7 1FT

Tel: 01707 292496  
Email: [administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk)

##### 3. Enforcing Authority: Health & Safety at Work etc Act 1974

Mr John Scott  
Environmental Health Officer  
Three Rivers District Council  
Northway  
Rickmansworth  
Herts.  
WD3 1RL

Tel: 01923 727005  
Email: [John.scott@threerivers.gov.uk](mailto:John.scott@threerivers.gov.uk)

#### **4 Local Planning Authority**

Planning Enforcement Team  
Three Rivers District Council  
Northway  
Rickmansworth  
Herts.  
WD3 1RL

Tel: 01923 727115  
Email: [denis.toomey@threerivers.gov.uk](mailto:denis.toomey@threerivers.gov.uk)

#### **5. Local Authority Officer responsible for the prevention of public nuisance**

Ms Gloria Gillespie  
Environmental Health Residential Standards Section  
Three Rivers District Council  
Northway  
Rickmansworth  
Herts.  
WD3 1RL

Te;; 01923 727006  
Email: [Gloria.Gillespie@ThreeRivers.gov.uk](mailto:Gloria.Gillespie@ThreeRivers.gov.uk)

#### **6. Responsible body for the safeguarding of Children**

HSCB Business Manager  
Hertfordshire Safeguarding Children Board  
Room 127  
County Hall  
Pegs Lane  
Hertford  
SG13 8DE

Tel: 01992 588757  
Email: [admin.hscb@hertfordshire.gov.uk](mailto:admin.hscb@hertfordshire.gov.uk)

#### **7. Trading Standards**

Chief Trading Standards Officer  
FAO Alice Nugent  
Hertfordshire Trading Standards

Mundells  
Welwyn Garden City  
Hertfordshire  
AL7 1FT

Tel.: 01707 292429  
Email.: [hcc.tradstad@hertscc.gov.uk](mailto:hcc.tradstad@hertscc.gov.uk)

## **8. Hertfordshire County Council Public Health Team**

Public Health  
Postal Point SFAR232  
Herts County Council  
Farnham House  
Six Hills Way  
Stevenage  
SG1 2FQ

Email: [publichealth@hertfordshire.gov.uk](mailto:publichealth@hertfordshire.gov.uk)

## **9. Three Rivers District Council Licensing Authority**

Responsible Authority for Licensing  
Planning Department - Projects & Compliance  
Three Rivers House  
Northway  
Rickmansworth  
Herts.  
WD3 1RL

Tel: 01923 727304  
Email: [responsible.authority@threerivers.gov.uk](mailto:responsible.authority@threerivers.gov.uk)

These must be served on the same day that the application is given to the Licensing Authority.

You are also required to publish a notice in a local newspaper or, if there is none, in a local newsletter, circular or similar document circulating in the vicinity of the premises on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information below:

In the cases of an application for a Premises Licence - Section 17, or for a Club Premises Certificate - Section 71, the notices shall contain a statement of the relevant licensable activities or relevant qualifying club activities, as the case may require, which is proposed will be carried on or from the premises.

(i) In the case of an application for a Provisional Statement, the necessary notices: a) shall state that representatives are restricted after the issue of a Provisional Statement; and b) where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.

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

(iii) In all cases the required notices shall state: a) the name of the applicant or club; b) the postal address of the premises or club premises, if any; or if there is not postal address for

the premises, a description of those premises sufficient to enable the location and extent of the premises to be identified;

Failure to comply with any of the above requirements will mean that your application is not valid and cannot be considered.

Additionally, you are required to display a notice prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no fewer than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority.

The Notice on the premises must be:

- (a) of a size equal to or larger than A4;
- (b) of a pale blue colour in the case of variations and new applications and white colour in the case of minor variations
- (c) printed legibly in black, in a font of a size equal to or larger than 16.

In all cases, the notice must be displayed prominently at or on the premises to which the application relates. The notice must be able to be conveniently read from the exterior of the premises, covering an distance exceeding 50m square, a further notice must be displayed in the same form and subjected to the same requirements, every 50m along the external perimeter of the premises abutting any highway.

The Local Authority must also advertise by way of a notice on its website, all applications for the following:

- (a) Premises licences under section 12;
- (b) Provisional statements under section 29;
- (c) Variations of a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition);
- (d) Club premises certificate under section 71;
- (e) Vary a club premises certificate under section 84.

This notice must remain on the website for a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.

## **MINOR VARIATIONS**

Minor variations will generally fall into the following categories:

- i) Minor changes to the structure or layout of a premises;
- ii) Small adjustments to licensing hours;
- iii) The removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and
- iv) The addition of certain licensable activities.

Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will be normally classed as minor variations. However variations to:

- i) extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- ii) increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are excluded from the minor variations process and must be treated as full variations in all cases.

It is strongly recommended that applicants for variations discuss their proposals with the Licensing Authority to ensure the correct application is made.

## **VARIATION OF PREMISES LICENCE (DESIGNATED PREMISES SUPERVISOR)**

An application to vary a premises licence where there has been a change of the designated premises supervisor must: be in the prescribed form and accompanied by the premises

licence; include a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor; include the fee.

A copy of the application and all accompanying documents must also be sent to the Police.

### **CLUB PREMISES CERTIFICATE**

The process of applying to convert a Club Registration to a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that neither a Designated Premises Supervisor nor a Personal Licence Holder is required, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club.

### **ELECTRONIC APPLICATIONS**

The EU Service Directive is intended to develop a single market for services by breaking down barriers to cross-border trade within the EU and making it easier for service providers within scope to set up businesses or offer their services in other EU countries. In the light of the changes to the law regarding the EU Services Directive for online applications, the Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors. This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted, could potentially breach relevant regulations nor errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

## APPENDIX B

### DETAILS OF VARIOUS ORGANISATIONS, TRADE ASSOCIATIONS AND REFERENCE LITERATURE (Note this is not an exhaustive list)

**1. Arts Council England**

14 Great Peter Street  
London  
SW1P 3NQ  
Tel: 0845 300 6200  
Email: [enquiries@artscouncil.org.uk](mailto:enquiries@artscouncil.org.uk)  
Web: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)

**2. Association of Licensed Multiple Retailers**

9b Walpole Court Ealing Studios  
London  
W5 5ED  
Tel: 020 8579 2080  
Email: [info@almr.org.uk](mailto:info@almr.org.uk)  
Web: [www.almr.org.uk](http://www.almr.org.uk)

**3. British Beer & Pub Association Market Towers**

1 Nine Elms Lane  
London  
SW8 5NQ  
Tel: 020 7627 9191  
Email: [web@beerandpub.com](mailto:web@beerandpub.com)  
Web: [www.beerandpub.com](http://www.beerandpub.com)

**4. British Board of Film Classification**

3 Soho Square  
London  
W1D 3HD  
Tel: 020 7440 1570  
Email: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
Web: [www.bbfc.co.uk](http://www.bbfc.co.uk)

**5. British Institute of Innkeeping**

Wessex House  
80 Park Street  
Camberley  
Surrey  
GU15 3PT  
Tel: 01276 684449  
Email: [reception@bii.org](mailto:reception@bii.org)  
Web: [www.bii.org](http://www.bii.org)

**6. Community Safety Partnership**

Three Rivers District Council  
Three Rivers House  
Northway  
Rickmansworth  
WD3 1RL  
Shivani Davé  
Email: [shivani.dave@threerivers.gov.uk](mailto:shivani.dave@threerivers.gov.uk)

Tel: 01923 776611

#### 7. Trading Standards

Chief Trading Standards Officer  
Hertfordshire Trading Standards  
Mundells  
Welwyn Garden City  
Hertfordshire  
AL7 1FT  
Tel: 01707 292429  
Email: [hcc.tradstad@hertsc.gov.uk](mailto:hcc.tradstad@hertsc.gov.uk)

#### 8. Institute of Acoustics

3rd Floor St Peters House  
45-49 Victoria Street  
St Albans  
Hertfordshire  
AL1 3WZ  
Tel: 01727 848195  
Email: [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)  
Web: [www.ioa.org.uk](http://www.ioa.org.uk)

#### 9. Security Industry Authority

PO Box 8 Newcastle upon Tyne  
NE82 6YX  
Tel: 08702 430100  
Web: [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)

#### **Links for Useful Guidance Notes (Note this is not an exhaustive list)**

The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6 | A copy of the new ‘Purple Guide’ is available online. [www.hse.gov.uk](http://www.hse.gov.uk) [www.thepurpleguide.co.uk](http://www.thepurpleguide.co.uk)

HM Government fire safety risk assessment: small & medium places of assembly (Less than 300 people) HM Government fire safety risk assessment: large places of assembly (More than 300 People ). [www.GOV.UK](http://www.GOV.UK) and search for ' Fire Safety in the Workplace' or use the following URL <https://www.gov.uk/workplace-fire-safety-yourresponsibilities/fire-safety-advice-documents>

Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X [www.hse.gov.uk](http://www.hse.gov.uk) The Guide to Safety at Sports Grounds (The Stationery Office, 1997) (“The Green Guide”) ISBN 0 11 300095 2 | [www.safetyatsportsfrounds.org.uk](http://www.safetyatsportsfrounds.org.uk)

Good Practice Guide on the Control of Noise from Pubs and Clubs – The Institute of Acoustics [www.ioa.org.uk](http://www.ioa.org.uk)

Licensed Property: Noise Control- British Beer and Pub Association [www.beerandpub.com](http://www.beerandpub.com)

The Portman Group Code of Practice on the naming, packaging and promotion of Alcoholic Drinks [www.portmangroup.org.uk](http://www.portmangroup.org.uk)

British Board of Film Classification – Classification Guidelines [www.bbfc.co.uk](http://www.bbfc.co.uk) HSE Guide – The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825 of Laser products [www.hse.gov.uk](http://www.hse.gov.uk)



The Governments Alcohol Strategy

[www.homeoffice.gov.uk/publications/alcoholdrugs/alcohol/alcohol-strategy](http://www.homeoffice.gov.uk/publications/alcoholdrugs/alcohol/alcohol-strategy)

Home Office - Supporting Guidance Pool of Conditions

[www.homeoffice.gov.uk/publications/alcoholdrugs/alcohol/alcohol-supportingguidance/pools-conditions](http://www.homeoffice.gov.uk/publications/alcoholdrugs/alcohol/alcohol-supportingguidance/pools-conditions)

Guidance issued under Section 182 of the Licensing Act 2003 [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

Information Commissioner (ICO) [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

## **APPENDIX C**

### **DETAILS OF THE TEMPORARY EVENT NOTICE APPLICATION PROCESS**

The Licensing Act 2003 provides for certain occasions when small, occasional events (no more than 499 people at a time and lasting no more than 168 hours) do not need a licence as such but need to provide a Temporary Event Notice (TEN). This is providing that a minimum of 10 working days' notice is given to the Police, Environmental Health Service and Licensing Authority. This does not include the day of the event or the day of submission. Applications are not complete for processing unless the satisfactory form and fee are submitted.

The aim of the system of TENs is to minimise the regulatory burden on such events, many of which will be run by community groups. The process involves sending notification of an event, in the form of a TEN, to the Police, Environmental Health Service and Council in whose area the event is being held at least 10 working days before the day on which the event begins. The Council will issue an acknowledgement if the TEN is valid. Hertfordshire Police and Environmental Health Service can object to a TEN if the event is likely to undermine the Licensing Objectives. Where the Police or Environmental Health Service submits an objection to the notice, the Licensing Authority will hold a hearing to consider the objection. Licensing authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Police or the Council's Environmental Health Service.

Activities that can be covered by a Temporary Event Notice are:

- Provision of regulated entertainment
- Sale by retail of alcohol
- The supply of alcohol by or on behalf of a club
- Provision of late night refreshment

To ensure TENs benefit small events only, they are subject to certain limitations. These are:

- No more than 499 people (including staff/organisers) attending at any one time.
- An individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50.
- A limit of 15 temporary event notices may be given in respect of any particular premises in a calendar year. An event may last no longer than 168 hours.
- The maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 21 days.

Organisers of TENs are strongly advised to contact the Licensing Authority, the Environmental Health Service and Hertfordshire Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Police and the Environmental Health Service between 5 and 9 days before the event (not including the day of the event or the day of submission). However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances". It should be noted that, if either the Police or the Council's Environmental Protection team submits an objection to a late notice, the Council will issue a counter-notice prohibiting licensable

activities for the duration of the TEN. Due to the time scale of a late notice, there will not be a hearing should a representation be made. Late TENs are included within the maximum allowance for a premises.

It should be noted that giving a Temporary Event Notice does not relieve the premises' user from any requirement, under planning law, for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance.)

### **TEMPORARY EVENT NOTICE CONDITIONS**

If the Licensing Authority receives an objection notice from the Police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection. The Licensing Committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the Licensing Authority may also impose one or more of the existing licence conditions on the TEN (in so far as such conditions are not inconsistent with the event) if it considers it that this is appropriate for the promotion of the Licensing Objectives.

**APPENDIX D**  
**DELEGATION OF FUNCTIONS**

<b><u>Matters to be dealt with</u></b>	<b><u>Sub Committee</u></b>	<b><u>Officers</u></b>
Application for a Personal Licence	If a police objection	If no objection made
Application for a Personal Licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	In no relevant representation made
Application for provisional statement	If a relevant representation made	In no relevant representation made
Application to vary a premises licence/ club premises certificate	If a relevant representation made	In 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 a premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review a premises licence/club premises certificate	All cases	
Decision on whether a representation is irrelevant, frivolous, vexatious etc		All cases
Decision to object when a local authority is a consultee and not the relevant authority considering the applicant	All cases	
Determination of an objection to a temporary event notice	All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition	If a police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application		All cases
Determination of minor variation application		All cases

## APPENDIX E

### HERTFORDSHIRE FIRE SERVICE GUIDE TO ORGANISED EVENTS

## Relevant Conditions for a Premises Licence and details to be accounted for within an Event Management Plan

Conditions suggested by Fire Authority, in their role as a responsible authority, deemed appropriate for the promotion of the public safety licensing objective relating to the Licensing Act 2003

**1.** The premises licence holder will notify the Fire Authority of the dates of each year's event no later than (insert number) calendar months prior to the commencement of the event.

**2.** The premises licence holder will provide draft copies of the Event Management Plan and Risk Assessments to the Fire Authority no later than (insert number) calendar months prior to the commencement of each year's event.

**3.** The premises licence holder will provide a final copy of the Event Management Plan to the Fire Authority no later than six (6) weeks prior to the commencement of the event build-up on site of each year's event.  
The final Event Management Plan will form part of the premises licence operating schedule conditions for each year's event.

**4.** The premises licence holder will ensure that the Event Management Plan covers the following areas to the complete satisfaction of Fire Authority

**4.1** A scaled electronic site plan showing how each part of the area will be used, identification of all structures, access routes and ingress/egress points;

**4.2** Capacities and evacuation plans for all areas of the event;

**4.3** Roles and responsibilities of all key

personnel responsible for managing the event, including names, contact telephone numbers and back-up contact details in the event of non-availability;

**4.4** Risk assessments for all activities relating to public safety, including fire;

**4.5** Full details of security and stewarding arrangements.

**4.6** Details of any proposed special effects and the proposed safety arrangements associated with their use;

**4.7** Details for managing all traffic and vehicle movements on site, including within parking areas, during the event build-up phase, during the event and during the site breakdown phase;

**4.8** Management arrangements for site access and egress, including specific arrangements for emergency services;

**4.9** Details of any camping and provided sleeping accommodation, in respect of event attendees, staff and volunteers;

**4.10** Details of power supplies, including all generators; Provision of artificial lighting , including emergency escape lighting;

**4.11** Provision of adequate fire-fighting cover, including facilities, personnel and water supplies;

**4.12** Technical details for all proposed temporary demountable structures;

**4.13** Details of all proposed safety barriers and fencing to be erected on site, including the positioning;

**4.14** Relevant independent certification or manufacturers' details to demonstrate that any fabric, or other material, used in the construction of, or in conjunction with, tents, marquees and similar structures, roof coverings, weather

protection covers, curtains, drapes, backdrops, scrimms and other materials used in, or upon, structures shall be rendered flame resistant to the current applicable British Standard;

**4.15** Identification of competent persons, including proof of competence, in relation to the construction of structures and the continual monitoring of them during the event;

**4.16** Details of the proposed maximum occupancy of each area, the method of controlling numbers therein;

**4.17** An event running order should be made available including times for when artists appear on stage and expected time of completion of set;

**4.18** Details of a suitable communication network;

**4.19** Means for giving warning of an emergency, including the initiating and effecting of any evacuation, including from structures;

**4.20** Provision of adequate emergency exit routes and emergency exits, both within structures and externally, and suitable provision of emergency signage;

**4.21** The profiles of the performers and the anticipated attendees;

**4.22** Contingencies for degraded systems.

**4.23** Contingencies in respect of points 4.1 to 4.22 inclusive above regarding the effects of adverse weather conditions including, but not limited to, wind, rain and heat.

**5.** In the event that the premises licence holder requires the attendance of a representative from the Fire Authority within the Emergency Liaison Team, other than in the event of an emergency response, the cost of the attendee will be paid by the premises licence holder.

**6.** If the premises licence holder, due to

exceptional or unforeseen circumstances, wishes to make any amendment to the final Event Management Plan (that being the version that forms part of the premises licence operating schedule conditions) that would impact upon any public safety issue covered by conditions 1 to 5 inclusive above, he may only do so with written consent from the Fire Authority.

For further assistance contact:

**Joint Protective Services –**

Fire Protection, Mundells – MU 103, Welwyn Garden City, Hertfordshire, AL7 1FT

**Email** – [administration.cfs@hertfordshire.gov.uk](mailto:administration.cfs@hertfordshire.gov.uk)

**Telephone** – 01707 292310

