

Appendix D – Revised Statement of Licensing Policy

1.0 Context: why does the council have to have a Statement of Licensing Policy

- 1.1 The Licensing Act 2003 (herein 'the Act') regulates the provision of sale of alcohol, regulated entertainment and late night refreshment (hot food and/or drink between 23:00-05:00) in England and Wales.
- 1.2 The Act makes licensing authorities, such as East Herts Council, responsible for licensing premises that are used for these activities within their area.
- 1.3 It also requires each licensing authority to adopt and publish a Statement of Licensing Policy (herein 'the Policy') at least every five years. The purpose of the Policy is to set out the principles the licensing authority will apply when carrying out its licensing functions under the Act.
- 1.4 The current Statement of Licensing Policy expires in July 2021 so as a result an up-to-date revision of the document has been consulted upon as required by the Act.

2.0 Consultation

- 2.1 The Policy is an important document which sets out the principles we will apply when carrying out our licensing function. For this reason, extensive consultation was carried

out during the drafting process which included seek the views and input of:

- the responsible authorities named in the Act, including the police;
- the licensed trade;
- a reference group of elected members;
- Community Safety Partnership and Joint Action Group members.

2.2 As part of the revision of the Policy, the relevant parts of council's existing 'Night Time Economy Position Statement' were integrated into the main body of the document. This will aid all stakeholders as there will now be one document to reference which will contain all the relevant information.

2.3 Officers felt that a number changes to the existing Policy were required to reflect the changes that have been seen in relation to licensing over a number of years and reflect local trends and issues as well as dealing with issues that were not prevalent when the Policy was last reviewed. Examples of these issues are:

- Modern Slavery;
- Child Sexual Exploitation (CSE);
- Psychoactive substances.

2.4 At the same time as consulting on the Policy, the opportunity was taken to seek views on the 'Pool of Model conditions' which the council already had in place. This is a separate document to the Policy with no statutory requirement to consult on changes; however, it was felt that

it was best practice to take the opportunity to seek opinions on this document as well.

3.0 Revision to the existing policy

- 3.1 Responses to the extensive consultation have been considered by officers and presented to the Licensing Committee for consideration on 23rd June 2021 and the Executive on 6th July 2021.
- 3.2 Below is a table containing key amendments to the existing Statement of Licensing Policy following consideration of the consultation responses and officer recommendations.

Amendments
The foreword amended to highlight the introduction of a Sensitive Licensing Area (SLA) and the increased detail regarding public health and well-being. As this is a policy rather than operational matter, the foreword is by Executive Member for Neighbourhoods.
Hertford Town Centre is now defined as a Sensitive Licensing Area in recognition of its number of licensed premises.
A new section on pre-application advice and engagement.
Revised premises definitions and timings under the definition of Licensing Hours.
Wording revised to indicate that any application licence application within East Herts will be notified to <i>all</i> local councillors and <i>all</i> parish/town councils instead of just applications within that particular ward.
Additional detail on stakeholders and others can best make be engaged with and make representations should they wish.
Amended paragraphs dealing with mandatory licence conditions and irresponsible drinks promotions.
Wording revised to better demonstrate the interplay between

Amendments
the role of the Licensing Committee and the Executive Member.
Additional information detailing how applications for 'Festivals and outside events' will be handled including requiring applicants to give sufficient time (at least six weeks) for responsible authorities to consider key elements of the application such as the Event Management Plan.
Additional details on tackling Modern Slavery.
A revised section on inspection and enforcement.
New maps added showing the Town Centre locations described in the Policy included for clarity.

3.3 The changes listed above and other more minor amendments were endorsed by Licensing Committee on 23rd June 2021 before the final proposed wording was presented to Executive on 6th July 2021 where the final version of the draft Policy was endorsed for presentation to Council to approval.

3.4 The wording of the proposed updated Statement of Licensing policy 2021-26 is given below.

4.0 Risks

4.1 The Licensing Authority is required to review its Statement of Licensing Policy at least every five years. To fail to do so would mean the council would be severely compromised in making and defending any decisions it makes that are reliant on the out-of-date policy.

4.2 Failure to address any perceived or actual gaps within the current Statement of Licensing Policy could be detrimental

to the authority's ability to make and defend robust decisions.

- 4.3 If the authority does not have robust policies and procedures in place then it is unable to ensure that the Licensing Objectives listed under the Licensing Act 2003 are promoted.



East Hertfordshire District Council

**Draft Statement of Licensing Policy
2021-2026**

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1.0 Foreword

This Policy supports East Herts Council's Vision and Corporate Priorities.

East Herts: A place to grow

Our vision is supported by four priorities

- Sustainability at the heart of everything we do
- Enabling our communities
- Encouraging economic growth
- Digital by design

Our vision for licensing is to support responsible premises and to encourage the development of a diverse and varied licensed and late night offering across the District.

We recognise the many positive impacts that licensed premises provide, especially our Public Houses which can play a positive role in improving the quality of people's lives and preserving all that is best in East Herts.

East Herts is a very low crime and disorder area, frequently featuring in the '*Halifax Quality of Life Survey*' as one of the best rural places to live in the whole of the UK. However this is no reason to be complacent and East Herts is surrounded by areas which regularly suffer much higher crime levels. This Policy takes a safeguarding approach to prevent crime and disorder escalating.

We want our licensed establishments to contribute to the District remaining a safe and low crime area to live, work and visit. We are committed to ensuring that the district and in particular the town centres and areas of entertainment remain safe, vibrant, diverse and family-friendly.

East Herts enjoys a widespread and diverse selection of licensed premises and venues. More than 500 premises are currently licensed for either the sale or supply of alcohol; the provision of regulated entertainment; and / or the provision of late night refreshment. These range from off-licences, shops and supermarkets; restaurants, cafes and take-away establishments; to pubs, bars, members clubs, night clubs, theatres, cinemas and indoor sports facilities. Together they combine to provide a wide-range of leisure and cultural opportunities; support tourism; provide employment; and make a significant economic contribution to the local community.

As long as premises management strive to act responsibly; run safe, well managed venues and facilities; and work together with the local community, they can make a positive contribution toward building community cohesion and cultural development.

Of course, negative impacts can also occur if good management practices are not followed. Potential negative impacts may arise in the form of noise, nuisance, disturbance and crime and disorder problems. We recognise that the misuse of alcohol does negatively impact upon both public health and well-being. Whilst outside of the scope of this Policy we recognise the impact upon the public purse through the demands made upon hospital emergency departments; additional Policing; additional street cleaning; and the criminal justice system. Examples of other local costs include Night Time Economy enforcement patrols, Taxi marshals in Hertford Town Centre and the Street Pastors.

Our policy, therefore, seeks to provide a necessary balance between providing a platform upon which responsible business operators may contribute towards a thriving business and late night economy while ensuring that the quality of life of those who live and work in the District is protected and enhanced through the licensing system.

To help ensure that the balance is achieved, and that the safety of residents, workers, visitors and service users is maintained, this policy goes some way to address public health and well-being in more detail than previous ones. It also introduces the concept of Sensitive Licensing Areas (SLA) where the impact of licensed premises on a particular area is causing concern and where steps may need to be taken to redress the balance.

We believe these aims are achievable if all parties concerned work together.



Cllr Peter Boylan

Executive Member for Neighbourhoods

2.0 About East Herts

East Herts is the largest of the 10 districts in Hertfordshire. It covers about 480 square miles, around a third of the Hertfordshire, and offers a blend of rural and town living. The benefits of this mixture are greatly appreciated by the 149,748 people who live in the district.

The District has Broxbourne to the south, Welwyn and Hatfield and Stevenage to the west and North Hertfordshire as its northern boundary. To the east, the district borders on the county of Essex.

The majority of the people who live in the district live in one of the five towns. Bishop's Stortford has the largest population at 43,870, followed by Hertford (33,006), Ware (20,092), Sawbridgeworth (9,071) and Buntingford (7,020)¹.

Although the district is mainly comprised of farmland, five busy market towns (Bishop's Stortford, Buntingford, Hertford, Sawbridgeworth and Ware) and more than 100 villages and hamlets are scattered across the area.

East Herts is regarded as an attractive rural location for those moving out from (and commuting into) London because of its excellent transport links.

The people of East Herts are predominantly employed and enjoy higher than average earnings of £714.70 gross weekly pay for full-time workers compared to £587.10 for the whole of the country². Unemployment is very low (2.4%³).

House prices are among the highest in the country; in 2014 for the period April to June the average property price was £513,983 while the average salary in 2020 was £32,240 compared to £31,165 in Hertfordshire.

The 2011 Census showed a fifth of people are under 16 and a fifth of people are over 60. The average age in the district is 39.5.

Over 89% of people were born in England, 3% were born in other countries in the European Union and 4% in other countries.

¹

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/wardlevelmidyearpopulationestimatesexperimental>

² <https://www.nomisweb.co.uk/reports/lmp/la/1946157224/report.aspx#tabempunemp>

³ <https://www.nomisweb.co.uk/reports/lmp/la/1946157224/report.aspx#tabempunemp>

East Herts has a low ethnic minority population of just 4.5%. The largest ethnic minority group is Asian/Asian British at 1.9% with Indian being the highest within that group. The second largest minority group is mixed/multiple ethnic groups at 1.6%.

Over a third of people are educated to NVQ level 4 or higher e.g. Bachelor's degree (45.7%, 41,900). However, under a fifth of the population have no qualifications (17.2%, 18,959).

The percentage change between recorded crimes for headline offences in East Herts has fallen by 15% for years ending September 2019 and September 2020.

Whilst the people of East Herts generally enjoy very good health the Public Health Service Herts warn us that:

- Hospital stays for alcohol related harm affects 1882 people per 100,000 of our population.
- Alcohol specific hospital stays for our under 18 year olds is 15.2 per 100,000 of our population.
- Male deaths from chronic liver disease was the highest in Hertfordshire by count at 26 and the fourth highest per 100,000 at 12.7 (Source LAPE all ages)

3.0 About this document

3.1 This document is East Herts Council's statement of licensing policy in respect of the regulation of alcohol supplies, regulated entertainment and late night refreshment, and publication of it fulfils the authority's statutory obligation under section 5 of the Licensing Act 2003 ("the Act"). It sets out the policies and principles that we will follow when exercising our powers under that Act, particularly in respect of considering applications in respect of licences and other authorisations. It also gives details of our expectations of applicants and licence-holders. This statement must be published on at least one occasion in each five-year period. The statement must also be kept under review during its validity period, and revised if required, with any revisions published prior to taking effect.

3.2 This Statement of Licensing Policy was adopted by the Council on the xx xxxx 2021, and was published via our website, at <https://www.eastherts.gov.uk>. The statement will have effect from **XXXX 2021 to XXXX 2026**.

- 3.3 This revised Policy has been reviewed and updated to reflect the authority's experiences in exercising its powers that have taken place in the intervening period.
- 3.4 We are required to exercise our licensing functions under the Act with a view to promoting the licensing objectives, which are:
- **the prevention of crime and disorder,**
 - **public safety,**
 - **the prevention of public nuisance, and**
 - **the protection of children from harm.**
- 3.5 Each objective has equal importance, and they are explained in greater detail in later chapters.
- 3.6 We must also have regard to our published Statement of Licensing Policy, and to the Guidance for licensing authorities published by the Secretary of State under section 182 of the Act.
- 3.7 The purpose of this statement is to provide guidance to committees and officers determining matters under delegated authority, to provide consistency to our decision-making. However, where the circumstances justify doing so, we may depart from any provision of this statement, or of the Government's Guidance, to make an appropriate decision based upon the individual circumstances of a particular case. In any such case we will give a clear explanation and reasons as to why we have done so.
- 3.8 This policy statement reflects the wide range of competing, and sometimes conflicting, considerations which we must take into account when exercising our powers, and aims to balance these insofar as is possible.

3.9 Our vision

- 3.10 Licensing authorities are encouraged to include a vision statement within their licensing policies, summarising the strategic aims and intentions that will guide the exercise of their licensing powers. East Herts vision statement, which supports the Corporate Vision and Priorities, is:

“To regulate the operation of a diverse range of safe, well-managed and enjoyable licensed leisure and retail outlets throughout the District, offering a variety of entertainment, cultural and community activities while also ensuring the promotion of the licensing objectives”.

- 3.11 The inclusion of such a statement in no way fetters the authority’s discretion to determine cases on their individual merits, but rather seeks to guide applicants as to the authority’s expectations of licensed premises.

3.12 Who is affected by this Policy?

- 3.13 This document applies to all places selling or providing
- Alcohol
 - Regulated Entertainment
 - Late Night Refreshment

Including:

- Pubs and night-clubs,
- Off-licences,
- Restaurants serving alcohol,
- Restaurants and take-aways open between 11.00pm and 5.00am, serving hot food and drink
- Hotels, guest houses
- Private member’s clubs and social clubs
- Theatre and amateur dramatic groups,
- Cinema operators,
- Organisers of Temporary Events,
- Festivals and other outdoor events
- Some community events and village halls.

It is also recognised that how the Policy is applied can have an effect on:

- The lives of East Herts Residents
- Visitors to East Herts
- Businesses not directly involved with the licensed trade
- The local economy and prosperity of East Herts

3.14 Consideration of this Policy

- 3.15 Each application must and will be considered on its individual merits and must be granted in the absence of any relevant representations; where representations are made regard, as required by law, will be had to our Statement of Licensing Policy. It will be expected that applicants are able to demonstrate that they have read, considered and responded, where relevant, to this Statement of Licensing Policy in their applications. Equally responsible authorities and other persons will also be expected to have read, considered and, where relevant, address this Statement of Licensing Policy in their representations.
- 3.16 The Council hopes that this Policy will help ensure that local people and visitors are able to enjoy their leisure time safely without fear of violence, intimidation or disorder while on, arriving at or leaving licensed premises.
- 3.17 Protecting local residents and avoiding nuisance from disturbance and anti-social behaviour caused by the conduct of inconsiderate people visiting places of entertainment, is central to our Licensing Policy. This focus aims to address concerns about the impact of trading hours on behaviour and disturbance at night.
- 3.18 The Council has to balance protecting the amenity of its local population with the expectations of commercial occupiers to have an environment that is attractive and sustainable for their business.
- 3.19 An effective Licensing Policy, with other initiatives, can help promote improvements (increasing the leisure industry provision for the community and encouraging regeneration of town centres), as well as reducing the negative impacts (noise, nuisance, anti-social behaviour and crime and disorder).
- 3.20 Our aim is to have a lighter touch for the majority of businesses and community activities, which enhance peoples' lives by providing worthwhile opportunities for the enjoyment of leisure time without having a negative impact. Premises which cause problems within our communities, allow disorder, threaten public safety, cause public nuisance, or threaten the wellbeing of children, will be targeted for enforcement action.

- 3.21 This Policy is designed to build upon the work presently carried out by the Council to maintain a dynamic, innovative and attractive place to live, work and relax. The Council has a number of strategies in place that contain the visions, aims and objectives to promote, improve and protect the area. This Licensing Policy has been prepared to promote the four licensing objectives, and the Council has had regard to the local strategies which have been developed for the District, its residents, businesses, workers and visitors. The Council is working to secure the proper integration with local crime prevention, planning, transport, tourism, cultural strategies, race equality schemes and disability and gender discrimination strategies, by ensuring the Licensing Policy is consistent with the aims and objectives of these strategies.
- 3.22 The Council also recognises that the legislation supports a number of other key aims and purposes and that these too are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- Giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- Providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and

- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

4.0 The Licensing Act 2003

- 4.1 The Act has been in operation since 24 November 2005, and is administered by local authorities. The central purpose of the Licensing Act is to promote the four licensing objectives, and the Licensing Authority will use its powers working with the Police and other agencies to achieve this.
- 4.2 The Act aims to provide the entertainment/leisure industry with freedom and flexibility over provision of licensable activities and opening hours.
- 4.3 The Act specifies a set of licensable activities, which may only be provided under an authorisation issued by the relevant local Licensing Authority (East Herts Council for all premises within the District of East Herts). The licensable activities, which are covered in greater detail within this section, include supplying alcohol, providing regulated entertainment, and providing late night refreshment.
- 4.4 The types of authorisation which Licensing Authorities may issue to permit licensable activities include premises licences, club premises certificates, temporary event notices, and personal licences.
- 4.5 In exercising its licensing functions under the Act, the Licensing Authority shall:
- aim to promote the licensing objectives,
 - have regard to this statement of licensing policy, and
 - have regard to the Government's Guidance.
- 4.6 The Licensing Authority may not reject an application nor revoke a licence in response to representations concerning general moral or ethical objections to the carrying on of licensable activities, unless a direct link to one or more of the licensing objectives can be established. In particular, the supply of alcohol is expressly permitted under UK legislation, and the Licensing Authority has a duty to act fairly and in accordance with the legislation.
- 4.7 Every matter considered by the Council, in its role as a Licensing Authority, will be considered on its own merits and in accordance with the statutory

requirements of the Act. Nothing in this Statement of Licensing Policy shall:

- a) prevent any person from making an application for authorisation or giving a notice under the Act;
- b) prevent any person from making representation in respect of an application of a type where the Act provides for them to do so;
- c) prevent any person from making an application for the review of a premises licence; or
- d) restrict or fetter the Council's discretion to consider and determine applications, or to initiate legal proceedings or other enforcement action, based upon the individual circumstances and merits of a particular case.

4.8 Typically, the Licensing Authority's discretion over whether to refuse applications, to issue counter-notices or to impose additional licence conditions is only engaged if relevant representations or objection notices have been given to the authority within a prescribed period. For many of the application processes under the Act (with a small number of key exceptions), if no relevant representations or objection notices are received within the prescribed period, the Licensing Authority will be obliged to grant the application, subject only to any statutory conditions and conditions consistent with measures proposed by the applicant in their operating schedule.

4.9 The Licensing Authority has a general duty under the Crime and Disorder Act 1998 *'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'*.

4.10 East Herts Council is a signatory of the Hertfordshire Local Enterprise Partnership's *'Better Business For All'* initiative and we will follow the provisions of the charter⁴ when we exercise our regulatory powers in respect of licensable activities.

4.11 Licensable activities

4.12 The Act regulates a set of broad 'licensable activities' relating to the leisure and retail industries, as follows:

⁴ https://www.hertfordshirelep.com/media/5202/069520-bbfa-charter_2.pdf

- Supplies of alcohol, including:
 - Sale by retail of alcohol,
 - 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, comprising:
 - Performances of plays,
 - Exhibitions of films,
 - Indoor sporting events,
 - Boxing and wrestling entertainments,
 - Performances of live music,
 - Playing of recorded music,
 - Performances of dance,
 - Entertainment which is similar to music or dance,

- The provision of late night refreshment.

4.13 To be considered licensable, entertainment must be provided in the presence of an audience (which may consist of a single person), and either be open to the public or a section thereof, or provided for a consideration (e.g. admission fee, tickets) and with a view to profit. The definitions of these activities were left deliberately wide so as to account for future developments in the industries carrying on those activities – for example in recent years there has been an increase in the number of ‘silent discos’, which are considered to be regulated entertainment as they consist of recorded music, but which may not have been captured under a narrower definition.

4.14 The Government has pursued a deregulatory agenda in respect of entertainment licensing for community events and lower-impact entertainments by introducing new exemptions. As a result, many smaller-scale entertainments now fall outside of licensing requirements⁵. Where this is the case, it should be noted that we may be unable to use our licensing powers to regulate these events, although other regulatory schemes may be utilised to remedy any issues that arise. Schedule 1 to the Act details the exemptions that apply to entertainment licensing requirements.

⁵ Such small scale events may still benefit from contacting the East Herts Safety Advisory Group: <https://www.eastherts.gov.uk/community-wellbeing/community-events>

- 4.15 Late night refreshment is defined as the sale of hot food or hot drinks, between the hours of 11 p.m. and 5 a.m. Exemptions applying to late night refreshment are set out in schedule 2 to the Act.
- 4.16 Although the Act has fairly wide application, it does not control every activity which may be carried out in licensed premises, and some premises which are authorised under this Act may also need separate licences and authorisations for other activities carried on at those premises. Where the Licensing Authority is responsible for issuing such authorisations (for example, for gaming machines or prize gaming in licensed premises), we have published separate licensing policies to give details of how applications for those alternate licence types will be considered.

5.0 Pre-application advice and engagement

- 5.1 The Council's Licensing team are available to assist with what is known as pre-application advice. This is predominantly meant for smaller businesses and individuals who may not be familiar with the licensing process.
- 5.2 As applications for licences can be quite complex, and have a wide variety of requirements, it may be beneficial to applicants to seek advice prior to completing and submitting an application. One example that highlights the importance of getting the process right is the requirement to use a newspaper notice to alert people to your application. Getting the advert details or timing wrong could lead to the application being invalid, and the applicant losing the money spent on that notice; obtaining advice from the Council is a good way to avoid this sort of mistake, which is not unusual and easily made.
- 5.3 As well as ensuring the requirements are followed, the Licensing team can assist you in drafting a valid application, which ensures that you are applying for the full extent of the activities that you are likely to require for your business, whilst avoiding inadvertently including or omitting information that increases the likelihood of objections being received.
- 5.4 Objections to applications can lead to delays in licences being granted, and can cost time away from your business in order to resolve any issues

arising, so it is best that applicants do all that they can to ensure that any unnecessary objections are avoided.

- 5.5 We may limit the amount of time we spend on pre-application advice particularly for large organisation or those planning large events who should seek independent paid for advice.
- 5.6 As part of the advice we may recommend that an applicant contacts some or all of the responsible authorities, the Safety Advisory Group (SAG) or other appropriate individuals or organisations.
- 5.7 Engagement is an important element of the licensing process. Applicants are expected to have considered the location and community it is proposing to operate in. An understanding of the concerns to be addressed can be obtained by early engagement with a variety of bodies and individuals including:
- Responsible authorities
 - Ward councillors
 - Town councils
 - Parish councils
 - Residents Associations
 - Businesses and residents in the vicinity of the proposed premises.
- 5.8 Experience shows that early engagement allows concerns to be addressed in the most timely and cost effective way for all parties. Where concerns cannot be addressed before an application is made resulting in representations the expectation is that the dialogue between the parties continues to try and find common ground.
- 5.9 If a Licensing Sub-Committee has been scheduled the parties have up until 24 hours before the hearing starts to reach agreement and dispense with the hearing. Where necessary the Licensing Authority can facilitate these discussions.

6.0 Licensing Hours

6.1 The Licensing Authority recognises the principle of flexibility and the potential benefits of avoiding concentrations of customers leaving premises simultaneously.

6.2 Premises definitions

6.3 The Licensing Authority has recognised that the lines between different types of venues have become blurred since this Policy was last published. As such we have widened the definitions to try to accommodate this change in culture.

6.4 For the purposes of the Policy we define licensed premises as set out below. Upon receiving an application the Licensing Authority will generally place the premises in the most appropriate category shown in the table below.

6.5 Where an application does not clearly fit within a single definition then the Licensing Authority may consider the different elements of the application under separate definitions.

6.6 As an example a restaurant style venue during the day may change into a more night-club style venue in the evening meaning the licensable activities for each part may be considered separately and differing hours applied. Premises with on sales and off sales could be granted different terminal hours for each type of sale if the evidence provided made that decision appropriate and proportionate.

6.7 The category or categories may be referred to at any subsequent Licensing Sub-Committee and applicants will be able to make submissions regarding this point.

Premises	Use
Restaurant	The sale of food and drink for consumption on the premises with full waiter service and/or full food menu throughout the trading period, and which typically has only incidental background music. Alcohol sales do not predominant over activities.
Public house, wine bar, Café-bar or other drinking establishment	Primarily for the sale of alcohol for consumption on the premises, this may or may not include the provision of food or light snacks.

Premises	Use
Café	The sale of food and or light refreshments generally during the daytime but could include opening hours extended into the evening, where alcohol sales are not a predominant feature of the premises.
Hotel bar	The sale of alcohol and/or food, either to hotel residents or to non-residents. Private functions and events maybe a feature.
Night-club (including SEV)	Primarily for the sale of alcohol and provisions of recorded or amplified music with facilities for dancing and opening times past 2300 hours. May include the provision of late night refreshments.
Off-licence	Premises with off sales of alcohol only, for consumption away from the premises.
Alcohol delivery service	Premises used solely for the delivery of alcohol by off sales where customers do not attend the premises.
Qualifying club	Qualify for a club premises certificate under the Licensing Act 2003.
Take-away (Food)	The provision of late night refreshment (hot food and drink) between 11 pm and 5 am, not to be eaten on the premises.
Moveable vessel and structure	Trailers, vehicles and vessels or other moveable structures used in outdoor locations whether public or private.
Festival	An organised event, typically lasting more than one day, featuring all or a combination of licensable activities including performances of live and recorded music. Can involve the audience staying on site.
Other outdoor event	Events that are held outside, with or without the use of temporary or permanent structures, on public or private land and operate on a regular or one off basis. This covers events such as carnivals, fetes, markets. They can include all licensable activities.
Other entertainment venue	Entertainment, whether licensable or not, is the main focus of the premises. The sale of alcohol and provision of late night refreshment (hot food and drink) is either absent or only ancillary to other the other activities.

6.8 Location and operation of premises

6.9 The table below sets out our approach to licensing premises when we have received relevant representations to an application, notwithstanding that each application will be considered on its merits:

Premises type	Location	Timings
Restaurants	Town Centre	Will generally be granted licensable activities no later than 01:00 only.
Restaurants	Other Area	Will generally be granted licensable activities no later than midnight only.
Public house, wine bar, Café-bar or other drinking establishment	Town Centre	Will generally be granted alcohol sales for consumption on the premises no later than midnight and no later than 22:30 on Sunday.
Public house, wine bar, Café-bar or other drinking establishment	Other Area	Will generally be granted alcohol sales for consumption on the premises no later than 23:00 hours and no later than 22:30 on Sunday.
Cafe	Town Centre	Will generally be granted alcohol sales no later than 21:00 .
Cafe	Other Area	Will generally be granted alcohol sales no later than 20:00.
Hotel bars	Any	Will generally be granted the sale of alcohol only to residents 24 hours . In relation to private events and events open to non-residents licensable activities will generally be granted no later than 00:30 .
Night-club (including SEV)	Town Centre	Will generally be granted licensable activities no later than 01:00 on Monday to Saturday and until 22:30 on Sunday.
Night-club (including SEV)	Other Area	Will generally be granted licensable activities no later than midnight on Monday to Saturday and until 22:30 on Sunday.
Off-licences	Town Centre	Will generally be granted alcohol sales no later than midnight .
Off-licences	Other Area	Will generally be granted alcohol sales no later than 23:00 .
Alcohol delivery service	Any	Will generally be granted alcohol off sales no later than midnight .
Qualifying clubs	Town Centre	Will generally be granted licensable

Premises type	Location	Timings
		activities no later than 00:30 .
Qualifying clubs	Other Area	Will generally be allowed late-night refreshment sales to midnight only.
Take-away (food)	Town Centre	Will generally be granted licensable activities no later than 01:00 .
Take-away (food)	Other Area	Will generally be granted licensable activities no later than midnight .
Moveable vessel and structure	Any	Will generally be granted alcohol sales no later than 23:00 Monday to Saturday and 22:30 on Sunday, except for use during private events
Festival	Any	Will generally be allowed licensable activity until 01:00 on Friday and Saturday. On Sunday to Thursday 23:00 , unless the following day is a Bank Holiday or recognised National Holiday.
Other outdoor event	Any	Due to events being so varied times will be considered based on the type of event, activities requested, hours requested and the location.
Other entertainment venues not listed	Town Centre	Will generally be granted licensable activity no later than midnight and no later than 22:30 on Sunday.
Other entertainment venues not listed	Other Area	Will generally be granted licensable activity no later than 23:00 hours and no later than 22:30 on Sunday.

6.10 The hours detailed above will not be automatically applied where representations are received and a Licensing Sub-Committee decides the application. Each application will be considered on its own merits and the most appropriate way to mitigate concerns will be taken.

6.11 Where we have to consider an application that involves alcohol sold for consumption on the premises, our policy will be to generally grant the licence with 30 minutes between the end of any sales of alcohol and the closing time of the premises (which we refer to as the “terminal hour”).

6.12 We recognise that flexible licensing hours for alcohol sales can help to reduce concentrations of customers from leaving premises simultaneously, and to reduce conflict at late-night take-aways and taxi

ranks. At the same time, we recognise that taxis/private hire vehicles are effectively the only form of post-midnight transport in the District.

- 6.13 We are adopting this approach with the Government's recommendations at paragraph 14.51 of the statutory guidance in mind⁶. This states that the Government acknowledges different licensing approaches may be appropriate for promoting the licensing objectives in different areas, and Licensing Authorities, in consultation with others, are best placed to make those decisions subject to the over-riding principle that opening hours must be not pre-determined without giving individual consideration to the merits of each application.
- 6.14 This justifies a more restrictive approach in residential areas when relevant representations have been made.

7.0 Town Centres

- 7.1 Our vision is to create a diverse, safe and family-friendly environment within the District, particularly within the Town Centres. The nature of our Town Centres and the types of people attracted to the offering varies depending on the time of day. We want there to be something for everyone and not a predominance of one type of licensed premises only appealing to one demographic. Whilst we recognise that each application must be considered on its individual merits and must be granted in the absence of any relevant representations, policies will be implemented to achieve our overall aims.
- 7.2 For the purpose of this Policy Town Centres are described below and maps showing the areas are Appendix 5:

7.2.1 Hertford (Sensitive Licensing Area)⁷

The area bounded by and including Bircherley Green, Bull Plain, The Folly, Fore Street, South Street, Maidenhead Street, Market Street, Railway Street, Old Cross, Parliament Square, Castle Street, Salisbury Square, Market Place, Mill Bridge, Old Cross, St Andrew Street and The Wash.

7.2.2 Bishop's Stortford

⁶ All references to the Revised Guidance issued under section 182 of the Licensing Act 2003 refer to the April 2018 revision.

⁷ See paragraph 7.6 for further details.

The area bounded by and including North Street, Potter Street, Church Street, South Street, Water Lane, Bridge Street, High Street, Riverside, Adderley Road, Station Road and Anchor Street.

7.2.3 **Ware**

The area bounded by and including Baldock Street, High Street, Star Street, Viaduct Road and Amwell End.

7.2.4 **Sawbridgeworth**

The area bounded by and including Bell Street, Knight Street and London Road.

7.2.5 **Buntingford**

The area bounded by and including High Street and Church Street.

7.3 Our starting point is to seek a reduction in crime and disorder, consistent with our statutory duty under the Licensing Act and under section 17 of the Crime and Disorder Act 1998 (as amended), and an improvement in local amenity through the reduction in alcohol-related anti-social behaviour.

7.4 Evidence suggests that violent crime and anti-social behaviour increases with every hour that licensed premises are open. Therefore, in the absence of improvements from other measures, opening hours of premises may need to be restricted to reduce the rise in violent crime and anti-social behaviour.

7.5 We want to encourage more restaurants, cafes, food establishments and venues offering a wide variety of daytime and early evening entertainment and would positively encourage applications for those types of premises whilst discouraging alcohol-led premises. Whether there is a need or not for further premises of a particular type, in accordance with the Secretary of State's guidance at paragraph 14.19, will not be a consideration.

7.6 Sensitive Licensing Area

7.7 Although East Herts is a largely rural District the Town Centres have concentrations of licensed premises and some have the associated issues. In particular over recent years there have been concerns raised by a number of parties regarding the concentrations of particular types of

premises within Hertford Town Centre, their impact on the licensing objectives and the perceived ongoing increase in licensed hours.

7.8 As a result the Licensing Authority has identified Hertford Town Centre (as detailed above) as a ***Sensitive Licensing Area***. The Licensing Authority is particularly likely to make representations itself for applications in this area suggesting additional conditions to reduce any impact on the licensing objectives to address concerns about:

- alcohol (both on and off sales) and/or late-night refreshment being available at times later than other premises in that area (undermining the Prevention of Crime & Disorder objective); and
- litter, noise and other nuisances from a concentration of late-night take-aways (undermining the Prevention of Public Nuisance objective).

7.9 Our approach in the Sensitive Licensing Area will be:

1. Where an application for alcohol sales or late-night refreshment has been received, the Licensing Authority will consider making representations and will seek to strictly apply this Policy in relation to those premises.
2. Where additional representations have been made by other parties, our strict starting point in these areas will be to consider whether conditions will be appropriate to address those concerns or whether a refusal is justified on the basis that the licensing objectives would be undermined.

7.10 Justification for creating the Sensitive Licensing Area

7.11 The Sensitive Licensing Area is a mix of commercial and residential properties in a densely built-up area. The concentration of licensed premises in the area has caused considerable concern in terms of the issues detailed above leading to licence reviews and significant levels of representations against licence applications in this area. Levels of recorded crime, disorder, anti-social behaviour and nuisance are higher than in other parts of the District.

7.12 It is hoped that this will be a useful tool in helping to manage alcohol related anti-social behaviour and highlights the issues in this part of the District to both existing licence holders and those that may wish to open new premises there.

7.13 General approach

7.14 Where relevant representations have been received, we will consider granting the application limited to the hours of operation set out in this Policy unless an applicant can demonstrate why an exception should be made.

7.15 Exceptions will not be made solely on the grounds that:

- (1) the building design is of a high standard; we would expect all applicants will want to ensure the highest design standards possible;
- (2) the applicant is of good character. It is a legal requirement that premises selling alcohol must be under the management of a designated premises supervisor, who must themselves hold a personal licence to sell alcohol;
- (3) the premises are small. Even small premises can contribute to crime, disorder and anti-social behaviour.
- (4) another premises licence has been granted with the same hours and activities requested.
- (5) due to the premises appealing to a niche market they will not contribute to crime, disorder and anti-social behaviour.
- (6) the proceeds from the premises/event will be given to a charity or good cause.

7.16 Where relevant representations have been received we will take into account the following factors to fulfil our vision:

- (1) Does the application contribute to the development of a diverse offering with our Town Centres
- (2) Does the application contribute to a real reduction in the capacity for alcohol sales in that premises (for example by replacing a vertical drinking establishment with seated consumption and waiter/waitress service)
- (3) Does the application include entertainment that's provided during the early evening rather than being focussed solely on the consumption of alcohol
- (4) Are there links with other activities in the town, to encourage day-time users to stay in the evening;
- (5) Is the sale of alcohol only being made to customers purchasing a substantial meal;
- (6) Has any transport/dispersal provision been made, particularly during periods when public transport is unavailable;

- (7) Style and type of venue. A diverse Town centre is characterised by a range of activities and offers that would appeal to people of all ages and backgrounds. This may (but need not) be characterised by:
- a range of alcoholic and soft drinks suitable for all ages;
 - a food menu catering for different tastes and needs, available throughout the duration of the premises' operating times;
 - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/table areas;
 - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (8) involvement in local community events and organisations.
- (9) commitment to involvement in Community Safety Partnership (CSP) initiatives.
- (10) use of street pavement licences for outdoor table areas.

7.17 Where an applicant wishes an exception to be considered it is their responsibility to provide evidence to support this.

8.0 Licensing objectives

8.1 The Licensing Authority must carry out its functions with a view to promoting the four licensing objectives, each of which has equal importance:

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

8.2 It is recognised that the licensing function is only one means of securing the delivery of the above objectives and should not therefore be seen as a means for solving all local problems. The Licensing Authority will therefore continue to work in partnership with all stakeholders and partners towards the promotion of the licensing objectives.

- 8.3 The Licensing Authority expects applicants to address the licensing objectives within their operating schedules, having regard to the nature of the premises, the licensable activities to be provided, operational procedures, and the nature of the location and the needs of local communities. The operating schedule should contain sufficient information to enable the Licensing Authority, responsible authorities and other persons who may be affected by the operation of the licensed premises to assess whether the steps which will be taken to promote the licensing objectives are sufficient to mitigate any potential adverse impact.
- 8.4 The Licensing Authority is committed to empowering local community action, and meeting the needs of its communities through close partnership working with others. The Licensing Authority recognises that licensed entertainment can provide a valuable contribution towards the economy of the District, and seeks to balance the needs of the local businesses and licence holders, whilst protecting those of local residents.
- 8.5 Further policy considerations in respect of each of the objectives are set out below.

8.6 Prevention of Crime and disorder

- 8.7 The Authority will endeavour to reduce crime and disorder throughout the District, in accordance with its statutory duty under section 17 of the Crime and Disorder Act 1998.
- 8.8 The Authority will expect applicants to take appropriate and proportionate measures to promote the crime and disorder objective. Examples of the sources of crime and disorder which the Authority would require applicants to take into consideration may include, but are not limited to:
- Underage drinking
 - Drunkenness on the premises
 - Public drunkenness
 - Drugs
 - Violent behaviour
 - Overcrowding/occupancy capacity
 - Anti-social behaviour

8.9 When determining licence applications and reviews the Licensing Authority will give consideration to:

- whether the premises make or will make a significant contribution to levels of crime and disorder in the local area, and
- whether the operating schedule demonstrates that an adequate risk assessment of the likelihood of crime and disorder occurring as the result of the issue of an authorisation has been carried out by the applicant.
- the ability and competency of the person in charge of the premises to monitor the premises at all times it is open;
- the training given to staff in how to defuse or manage conflict amongst patrons and crime prevention measures appropriate to those premises;
- the physical security features installed in the premises. This may include matters such as the position of cash registers, and the security of cash boxes in gaming machines on the premises; where alcohol is stored in 'off-licences'; the standard of CCTV that is installed; adequate lighting; metal detection and search facilities; the use of toughened drinking glasses in pubs and clubs; the removal of glasses or glass bottles used or discarded outside of the applicants premises;
- risk assessment of drinks promotions which may contribute to the impact on crime and disorder (e.g. 'happy hours'), and plans for minimising risks;
- measures to prevent the consumption or supply of illegal drugs, including any search procedures and entry policies. On licensed hotel or B&B premises, this should extend to keeping proper registrations of guests, with proofs of identification, and records of car registration numbers. Where applicable, applicants are encouraged to show that they can comply with the Home Office guidance Safer Clubbing in relation to the control of illegal drugs on their premises, and they should agree a protocol with the police on the handling of illegal drugs found on their premises.;
- where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- the use or not of an ID scanning type system;

- the likelihood of any violence, public disorder or policing problem if the licence is granted;
- whether design of the premises has been considered having regard to reducing conflict and minimising opportunities for crime;
- the measures taken to control admission to, and dispersal from, the premises, including the use of registered door supervisors;
- any other such measures as may be appropriate, such as participation in a local pub watch scheme or other body designed to ensure effective liaison with the local community, 'music wind-down policies', restrictions on 'happy hours', and other examples of industry best practice;
- the arrangements for delegating and accounting for responsibility for the supply of alcohol on community premises operated without a DPS.

8.10 This list is not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits.

8.11 The authority will work closely with Hertfordshire Constabulary and the other members of the Community Safety Partnership (CSP), both to monitor and investigate incidents of crime or disorder associated with licensable activities, at and around licensed premises, and to identify emerging trends and patterns in such incidents.

8.12 To achieve the best results, the prevention of crime and disorder requires partnership working between statutory bodies and licensed premises. While there are a number of measures which licence-holders can, and will be expected to, implement in order to promote this objective within their premises, the authority also expects licence-holders to understand which issues they will not be able to resolve themselves, and to liaise and co-operate with the Licensing Authority, Police, and other bodies. In particular, incidents occurring outside of but in the vicinity of licensed premises, which do not involve the customers or staff from that premises, are likely to be outside of the direct control of licence-holders, but they may be able to provide evidence or intelligence allowing statutory bodies to investigate the incident in question.

8.13 It is recommended that applicants discuss the crime prevention procedures and management arrangements for their premises with the Licensing Authority and the Police before making a formal application.

8.14 Public Safety

8.15 When considering this objective, the Licensing Authority will concern itself with the physical safety and wellbeing of the people who use licensed premises, and those who may be affected by the use of licensed premises (e.g. non-customers who happen to be in the immediate vicinity of a premise). This will include measures that seek to prevent accidents, injuries and short- or long-term illnesses to staff, customers or other persons.

8.16 The Licensing Authority will have regard to the measures to be taken by applicants to ensure that the physical safety of any person visiting or working in licensed premises is not compromised. This should be demonstrated in an applicant's operating schedule. Factors that may be considered include, but are not limited to:

- The total occupancy capacity (staff, customers, others) of the premises
- Physical environment of the premises
- Customer profile
- Traffic management including access for emergency vehicles
- Crowd management
- Special arrangements for large events
- Use of special effects
- Lighting – emergency and general
- Temporary electrical installations

8.17 There are several regulatory regimes concerned with public safety, and the Licensing Authority will seek to avoid duplication as much as possible. In particular the Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 replaced the previous fire safety legislation. Accordingly the Authority will not seek to impose the fire safety conditions on a licence/certificate where the Order applies.

- 8.18 However, where representations are made by responsible authorities responsible for enforcing these regimes concerning the failure of a licence-holder to adhere to or comply with another regime, the Licensing Authority may consider whether this is indicative of a wider systemic failure on the part of the licence-holder to promote the licensing objectives.
- 8.19 It is recognised that special issues may arise in connection with outdoor and large scale events. Risk assessments must be used to assess whether any measures are necessary in the individual circumstances of any premises.

8.20 Prevention of public nuisance

- 8.21 The Licensing Authority will interpret the term ‘public nuisance’ widely as advised in the Secretary of State’s guidance. When considering this objective the Authority will take into account issues relating to noise, vibration, light, litter, offensive odours and anti-social behaviour arising from or in connection with the provision of licensable activities. Public nuisance can be at a low level only affecting a few people locally, as well as a major disturbance affecting the wider community.
- 8.22 This objective does not mean the complete prevention of all of the above issues, but rather the prevention of such unreasonable levels of these as would constitute a nuisance to the public or a section thereof. A degree of noise, for example, is an inevitable consequence of the provision of most forms of regulated entertainment. The Licensing Authority will therefore seek to exercise its powers in a way which promotes the licensing objective, to discourage and eliminate the carrying on of licensable activities in a way that causes unreasonable inconvenience, upset or distress to others.
- 8.23 The Authority would expect applicants to have demonstrated in their operating schedule that public nuisance concerns have been identified, with suitable control measures implemented and maintained. Factors that may be considered include, but are not limited to:
- The location of the premises and proximity to residential and other noise sensitive premises

- The hours of opening, including times when licensable activities may not be taking place, last admission time and 'wind down period'
- Nature of activities provided
- Supervision of customers including managing dispersal
- Odour and light nuisance
- Litter and waste disposal
- the location of delivery and collection areas and delivery/collection times
- Noise management plan (where appropriate)

8.24 Steps that can be taken to minimise public nuisance include those to:

- prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. This may include the installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices;
- prevent disturbance by customers and staff arriving at or leaving the premises;
- manage or prevent queuing (either by pedestrian or vehicular traffic);
- help ensure patrons and staff leave the premises quietly;
- minimise the effect of parking by patrons on local residents;
- restrict the number of patrons using outside areas in the evening and at night;
- minimise noise from the use of smoking shelters, gardens and other open-air areas.

8.25 This lists above are not exhaustive and the Licensing Authority remains aware of its obligation to consider each case on its merits.

8.26 The Authority notes that, as with other licensing objectives, there are other regulatory regimes exist which may be used to control nuisance. The Environmental Protection Act 1990 in particular allows Environmental Health officers to require the abatement of a statutory nuisance, and would be considered the primary control for such issues. However, the Licensing Authority notes that this regime is largely reactive, whereas licensing may be used to establish proactive controls, preventing a nuisance from reaching a statutory level in the first instance.

- 8.27 Nuisance may arise directly as a result of licensable activities (for example, noise from music), or indirectly (noise from customers at the premises). Applicants and licence-holders are strongly encouraged to consider all possible sources of nuisance when compiling operating schedules, and to implement appropriate measures for the promotion of this objective. For many types of nuisance, this process will begin in the initial design stages prior to the construction or redevelopment of premises. The Council's Environmental Health officers may be consulted for informal advice, prior to the making of a licence application, on proposed measures likely to reduce or prevent the likelihood of public nuisance arising from the operation of licensed premises.
- 8.28 The Licensing Authority will have regard to best practice guidance when considering this licensing objective, including but not limited to⁸:
- Guidelines on Community Noise (World Health Organisation)
 - Effective Management of Noise from Licensed Premises (British Beer and Pub Association)
 - Code of Practice on Environmental Noise Control at Concerts (Noise Council)
- 8.29 Where premises which are the subject of licensing applications involving amplified musical entertainment beyond 11pm are in close proximity to residential properties, the Licensing Authority will require a comprehensive operating schedule listing measures that the applicant intends to implement to ensure the promotion of this licensing objective.
- 8.30 The Licensing Authority will also pay close regard to premises in close proximity to residential property proposing or permitted to trade after 11pm, where the premises includes one or more external areas for use by customers (for example, beer gardens, external dining areas, or smoking areas), as use of such areas by customers has the potential to lead to a public nuisance if not closely controlled. Applicants are required to include measures within their operating schedule setting out how they intend to control the use of such areas, in order to promote this licensing objective.

⁸ See Appendix 3 – Useful resources

8.31 Protection of children from harm

- 8.32 The Licensing Authority is aware that this objective relates primarily to preventing children from being exposed to or permitted to access age-restricted products, such as alcohol; or age-restricted services, such as films with content deemed suitable only for adults or relevant entertainment of a sexual nature. Considerations relating to the physical safety and welfare of children will also be taken into account as part of any action the Authority takes to promote the public safety objective.
- 8.33 The Authority recognises the great variety of premises for which licences may be sought and the benefits and risks these may bring. The Authority will only restrict access by children to any particular type of premises where it considers it appropriate to do so in order to protect them from harm.
- 8.34 There is no reason why children should not be admitted to responsibly-run, family-oriented licensed premises (for example, restaurants, theatres, cinemas (showing age-appropriate films), supermarkets, community premises, etc.), when accompanied by a suitable adult, such as a parent or guardian, and the Act allows for this. However, it is an offence under the Act:
- to admit children to exhibitions of films where a premises holds a licence permitting such regulated entertainment, if they are below the minimum age recommended by the Licensing Authority or a film classification body,
 - to allow unaccompanied children under the age of 16 to be present at premises being used exclusively or primarily for the supply of alcohol for consumption on those premises, or
 - to allow unaccompanied children under 16 to be present between midnight and 5 a.m. at licensed premises supplying alcohol for consumption on the premises.
- 8.35 When deciding whether to limit the access of children, the Licensing Authority will judge each application on its individual merits. Examples which may give rise to concern in respect of children would include premises:

- where entertainment or services of an adult or sexual nature are commonly provided
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking
- where there is a strong element of gambling on the premises (but not, for example the simple presence of a small number of gaming machines)
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- where other concerns relating to this objective have arisen

8.36 Where possible the Authority will avoid completely prohibiting access by children. Alternative options include:

- limits on the hours when children may be present
- limits or exclusions on children when particular activities are taking place
- limited access to parts of premises
- full exclusion of under-18s from the premises when any licensable activities are taking place

8.37 Where a large number of children are likely to be present at a licensed premises, the Licensing Authority will expect an appropriate number of suitably-trained adult staff to be present, to control access and egress of children, and ensure their safety and protection from harm.

8.38 Even if the age restrictions mentioned above do not apply and the Licensing Authority has not attached conditions restricting access by children, there is still no obligation for licence-holders to admit children to their premises. Ultimately access to premises will remain at the discretion of the licence-holder, who may choose to adopt any reasonable admission policy.

8.39 Child sexual exploitation is a significant concern for licensing authorities nationwide, as demonstrated by a number of high-profile reported cases which revolved around licensed premises. Where the operation of licensed premises is causally or demonstrably linked to child sexual

exploitation, the Licensing Authority will not hesitate to use the full range of powers at its disposal to promote this licensing objective.

8.40 Under 18's working in licensed premises

- 8.41 Concern is sometimes raised with regards to people under the age of 18 years old being employed in licensed premises. If done properly this can be positive for the person being employed and not undermine the licensing objectives. Children 14 years old and above can work if it does not impact their development or health and safety and is not instead of attendance at school.
- 8.42 The sorts of work they can do in a pub or restaurant includes: take orders from customers, serving tables, collecting glasses, and clearing tables/galsses.
- 8.43 Under 18's can sell alcohol as long as each individual sale has been specifically approved by a responsible person. The responsible person must be:
- the holder of the Premises Licence;
 - the Designated Premises Supervisor; or
 - anyone aged 18 or over who has been authorised by the Premises Licence Holder or the DPS to authorise sales made by the under 18s.
- 8.43 For an under 18 to be serving alcohol they will need a 'responsible person' with them at all alcohol to approve each sale made. It is not enough to authorise them once to serve alcohol and then let them continue, each individual sale must be supervised and approved.
- 8.44 There are limits on the times you can employ an under 18 and special rules relating to working time and employment for under 16's (children). Sometimes children are not permitted to work without an employment permit issued by Hertfordshire County Council so for more details please see: <https://www.hertfordshire.gov.uk/services/schools-and-education/young-people-and-work/apply-for-a-childs-work-permit/apply-for-a-childs-work-permit.aspx> for more information.

9.0 Stakeholder engagement and representations

9.1 The basis of decision making

9.2 The process for making decisions on licensed premises applications is governed by the Licensing Act 2003 and associated regulations. Unlike other ways in which the Local Authority determines applications, for example planning applications, there is a presumption in licensing law that if:

- the licensing authority receives a valid application *and*
- the application is properly advertised *and*
- there is no objection raised by any responsible authority within the statutory consultation period *and*
- there is no objection raised by any other person within the statutory consultation period *then*
- on the first day after the statutory consultation closed, the licence is **automatically** granted as applied for, that is, without any variation or additional conditions beyond those offered as part of the application⁹.

9.3 It is within this context that the council will do its utmost to facilitate those wishing to make representations to do so in the most effective way and within the statutory consultation period.

9.4 How responsible authorities can make their views known

9.5 The council strongly encourages the responsible authorities listed in table below to engage in the consultation process regarding applications (for new, and variations to existing, premises licences a club premises certificates) and raise any points as representations to the Licensing Authority. This may include submitting an objection.

Responsible authorities	Made aware by
<ul style="list-style-type: none">• Licensing Authority – East Herts Council• Hertfordshire Police• Environmental Health – East Herts Council• Planning Service – East Herts Council• Fire Authority – Hertfordshire Fire &	<ul style="list-style-type: none">• Applicant will submit copies of application documents directly to them at the same time as the documents are sent to the licensing authority; or• In the case of applications made

⁹ Amendments made by the applicant during the consultation process become part of the application as ‘applied for’ and will be reflected in any licence which is **automatically** granted.

Responsible authorities	Made aware by
Rescue Service <ul style="list-style-type: none"> • Hertfordshire Safeguarding Children Board • Trading Standards – Hertfordshire County Council • Home Office – Alcohol Licensing Team • Public Health – Hertfordshire County Council • Health and Safety Executive • <i>(only need to be consulted if they are the enforcing authority for Health and Safety at the premises)</i> 	online through the licensing portal, the council’s licensing team will send the application documents electronically to the responsible authorities upon receipt

9.6 Evidence-based representations provide the Council, when acting as the Licensing Authority deciding on applications, with the best means of assessing the merits, or otherwise, of applications under consideration.

9.7 While the type of representation and level of evidence will vary on a case-by-case basis, best practice would suggest representations should include wherever possible:

- whether the representation is for or against the application
- reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation and listed in the this document)
- evidence to support the above

9.8 The Council encourages all responsible authorities to engage with applicants at the pre-application stage and give advice to assist applicants to amend their proposals to accommodate the issues raised and thus avoid the responsible authority needing to make an objection. Whether the responsible authority engages or not, and whether or not the applicant works with the responsible authority, does not fetter the responsible authority’s discretion over whether or not to object to an application. If an objection has been received, the Licensing Authority will wish to see efforts or continued efforts on the part of both the applicant and the responsible authority to accommodate the concerns raised.

9.9 Temporary Event Notice (TEN)

9.10 The Police and the Council's Environmental Health team are the only responsible authorities the law requires to be notified of and have the right to object to Temporary Event Notices (TENs). They have an ability to assist the Licencing Authority by making appropriate objections during the consultation period following submission of a TEN.

9.11 The format and content of objections are not defined in legislation or guidance. It would assist the licensing authority in their decision making if responsible authorities could include in their submissions as much of the following information as possible in support of their position:

- a commentary on past events at the venue / event
- any evidence of breaches of relevant statutory requirements
- a summary of complaints, if any, from the public concerning the premises

9.12 How members of the public can make their views known

9.13 In order to make informed decisions, the Council is keen to hear from those with a view on a particular application (for new, and variations to existing, premises licences a club premises certificates).

Other persons includes	Made aware by
<ul style="list-style-type: none"> • People who live or work near licensed premises. • Any company, charity, community organisation or similar body. • Any other person regardless of whether they live or work in the vicinity. 	<ul style="list-style-type: none"> • Written notices will be put up by the applicant (in a statutorily prescribed format), attached to or near the premises concerned and displayed for not less than 28 days and visible 24 hours per day¹⁰ • A public notice (in a statutorily prescribed format) submitted by the applicant will be published in

¹⁰ Applications for minor variations only require a notice at the premises and it only needs to be displayed for 14 days.

Other persons includes	Made aware by
	a locally circulated newspaper • A public notice of application will be displayed on the council's website ¹¹

9.14 As noted in the table above, the legislation and guidance dictates that members of the public have a specific time period during which to raise issues.

9.15 Of note, the Licensing Act 2003 established a very prescriptive procedure for the way in which applications are made and determined:

- the requirements concerning advertising of applications are set out in the Licensing Act 2003 (Premises Licences and Club Premises Certificates Regulations) 2005
- Regulation 25 provides that the applicant shall advertise the application (new application or variation of an existing licence) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority by displaying a notice that complies with prescribed requirements
- the applicant must also publish at least once, within 10 working days of making the application, a notice in a local newsletter or similar document circulating in the vicinity of the premises
- these regulations dictate the consultation period during which members of the public can raise issues or concerns
- the Regulations oblige the Council, as the Licensing Authority, to also advertise the application on its website for a period of no less than 28 consecutive days starting on the day after the day on which the application was given. The content of the notice is similar to that of the notice at the premises.

9.16 The Council has considered the scope for raising awareness of applications in additional ways. Given that licensing matters are governed

¹¹ Notices related to current applications for new licences or to vary existing licences can be found here: <https://www.eastherts.gov.uk/licences-registration/beer-entertainment-late-night-refreshment/notices-application-objecting-licence-applications>

by statute and regulation, this is not quite as straightforward as it may seem. Of note, Westminster City Council has sought in the past to facilitate greater awareness by contacting properties in the vicinity of premises subject to a licence application by means of individual correspondence. The Council was then challenged in the High Court by some residents who lived in the locality but outside of the 'perimeter' the Council had drawn for consultation purposes and so had not been contacted directly by the Council. The judgement was that the Council did not need to send letters to residents but if they chose to do so then they should send letters to all residents affected.

R. (on the application of Albert Court Residents Association) v Westminster City Council [2010] EWHC 393 (QB).

- 9.17 Having considered this case, it appears that any view on who constitutes 'all the residents affected' will always be open to debate and thus such an approach is likely to place the Council in a very difficult position. Therefore, it is the Council's view that relying on the means of communication set by the relevant regulations, and detailed above, is a better way to proceed than attempting to directly contact those the Council may deem at any one time to be likely to be affected.
- 9.18 That said, the Council will do its utmost to ensure anyone wishing to make a representation is aware of the 28 day window for responding and the central importance of this given that, unfortunately, the Council cannot vary this time period.
- 9.19 Within the relevant legislation, regulations and case law discussed above, the Council will strive to facilitate resident engagement, including emphasising the consultation window. The Council will:
- encourage applicants to hold informal discussions with local residents and businesses, the responsible authorities, Town Council's, Parish Council's and others prior to submitting formal licence applications
 - ensure applicants meet their statutory obligations to publicise their applications; advertising in a local newspaper and posting a notice at or near the premises – when such notices are not visible 24 hours per day, are removed or become defaced the Council will require them to

be replaced and if appropriate the consultation time period to be restarted

- advertise applications for new or variation to existing licences or certificates on the Council's website
- alert all local councillors and all parish/town councils of applications within East Herts to enable them to discuss matters with residents should they wish
- alert all local councillors of applications on a weekly basis through the Members Bulletin
- include a link to the webpage containing notices of application in the Network email that residents can subscribe to
- assist residents to register on public access so that they can be notified if an application is received relating to a particular premises

9.20 When deciding on applications, it would be particularly helpful if members of the public making representations could provide the following:

- whether the representation is for or against the application
- reference to concerns over the undermining or potential undermining of the Licensing Objectives (as determined by legislation and listed in the council's Licensing Policy)
- evidence to support the above

9.21 How comments made by members of the public feed into the decision making process

9.22 So long as comments from members of the public are relevant (this term is explained below) and are received by the Council within the consultation period, they will be fed into the decision-making process. Thus, comments from members of the public have a significant role to play in the decision making process. The Council will share comments with other responsible authorities where the comments relate to that authority's remit. This will:

- provide information which the responsible authority can draw on when considering what representations, if any, it wishes to make

- assist the responsible authority in determining what conditions, if any, it would wish to see attached to a grant approval
- enable the responsible authority to assess whether it needs to carry out any further investigations itself

9.23 The Council will share comments with the applicant as required by law. This will:

- assist the applicant to better understand how the proposal could impact on local people
- enable the applicant to make amendments to, or withdraw, the application to mitigate or allay concerns raised
- provide the applicant with the opportunity to better explain what is proposed and/or address any misunderstandings; this in itself may mitigate or allay concerns

9.24 To be a valid representation then the person making the representation must be clearly identifiable and give their address. The representation must be 'relevant', and must not be 'vexatious' or 'frivolous'.

9.25 A representation is 'relevant' if it is argued that the granting of the licence would be likely to have a negative impact on at least one of the licensing objectives:

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

9.26 So, for example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant as prevention of a detrimental impact on other commercial premises is not one of the four licensing objectives.

9.27 A representation may be considered 'vexatious' if it appears intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses.

- 9.28 'Frivolous' representations are essentially those lacking seriousness. Frivolous representations could concern issues which are, at most, minor and/or for which no remedial steps would be warranted or proportionate.
- 9.29 Any person who is aggrieved by a rejection of their representations as either vexatious or frivolous may lodge a complaint through the Council's corporate complaints procedure. A person may also challenge the Authority's decision by way of judicial review.

9.30 Determining applications

- 9.31 Where at all possible, the Council will assist in enabling the applicant and those making representations to find common ground thus mitigating or removing the concerns raised. As stated above, however, the timescale for this is extremely tight.
- 9.32 If the issues raised by members of the public cannot be mitigated by the applicant through informal discussion, nor allayed to the satisfaction of the responsible authorities, then the council will, within 20 working days of the close of the consultation, hold a public hearing of the Licensing Committee, or a Sub-Committee, to consider and determine the contested application. This also applies to contested applications for variations to a licence or a review of a licence.
- 9.33 At the hearing all responsible authorities and other persons who have made valid representations will be entitled to attend and make their representations in person. Those who have made representation do not have to attend and all valid representations whether made in person or in writing will be considered.
- 9.34 The Council's Licensing Committee, or a Sub-Committee of this Committee, will consider the oral and written evidence before them. In determining the weight to place on the evidence before them, the members of the Committee will consider how the application supports or otherwise affects the licensing objectives engaged by the representations.
- 9.35 These four objectives underpin the Council's Licensing Policy.

- **the prevention of crime and disorder**

- **public safety**
- **the prevention of public nuisance and**
- **the protection of children from harm.**

9.36 The Licensing Committee, or Sub-Committee, will generally give its determination on the day of the hearing. However, regulations allow the authority to make its determination within a maximum period of five working days beginning on the last day on which the hearing was held.

10.0 Monitoring of the licensing function

- 10.1 The Police, fire authority and other responsible authorities will be encouraged to report to the Council annually on the operation of the licensing function.
- 10.2 The Licensing Committee will receive Quarterly reports on the licensing function to ensure oversight of these areas of regulation and allow the Authority to evidence that it is fulfilling its statutory responsibilities.

11.0 Administration, exercise and delegation of power

- 11.1 The Licensing Committee will consist of between ten and fifteen Councillors that will usually meet three times per year, but at least annually. The Council will review this Policy at least every 5 years. Any substantive changes to the Policy will include a full consultation.
- 11.2 Sub-Committee(s) of three Councillors will determine applications where representations have been received from responsible authorities or other parties. Ward Councillors will not serve on a Sub-Committee involving an application within their own ward.
- 11.3 The Licensing Committee will deal with other licensing matters not associated with the Licensing Act 2003.
- 11.4 Where a Councillor who is a member of a Licensing Committee or a Sub-Committee has had direct involvement in the affairs of an application before them, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process for that application.

- 11.5 A Sub-Committee may refer any matter it is unable to deal with, because of the number of its members who are unable to take part in the consideration or discussion or vote on any question, to the Licensing Committee.
- 11.6 Each decision of the Licensing Committee or its Sub-Committee(s) shall be accompanied with clear reasons for the decision. A summary of the decision will be sent to the applicant and all other parties.
- 11.7 The Licensing Committee takes seriously its obligations under other legislation for example the Equalities Act 2010 and the Human Rights Act 1998.
- 11.8 The Council's authorised officers will deal with all other licence applications where either no representation has been received, or where representations have been received and it is agreed by all the parties that a hearing is not necessary.
- 11.9 Council officers will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Sub-Committee(s) and whether representations are frivolous, vexatious or repetitious. Where representations are rejected, the person making that representation will be given written reasons why that is the case.
- 11.10 The Council will seek to integrate the Licensing function with its various other strategies and policies to promote the licensing objectives through utilising the collaborative and partnership working arrangements and networks that engage with responsible authorities, other parties and other key stakeholders.

12.0 Enforcement and Inspection

- 12.1 Licensing Authorities are required to state the principles to be applied by the Authority in exercising enforcement functions under the Act, both in terms of the inspection of premises and in instituting criminal proceedings in respect of specified offences.
- 12.2 The Licensing Authority will be led by the Guidance in respect of the inspection of premises and the powers to institute criminal proceedings, and will endeavour to ensure that enforcement and compliance actions are:
- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
 - **Consistent:** rules and standards must be joined up and implemented fairly;
 - **Transparent:** regulators should be open, and keep regulations simple and user friendly;
 - **Targeted:** regulation should be focused on the problem, and minimise side effects.
- 12.3 The Council's enforcement action needs to be targeted. Decisions about which premises to investigate will be:
- reactive – based on a specific complaints or resulting from intelligence from partners that strongly suggests a breach of the licence has occurred/is on-going; and/or
 - proactive – this may take the form of one-off or periodic inspections based on previous complaints.
- 12.4 The Licensing Authority may arrange for the inspection of premises, both licensed and otherwise, in response to specific complaints about those premises and the provision of unauthorised licensable activities therein. The Licensing Authority may also, from time to time, arrange a programme of risk-based inspections of licensed premises, consistent with the principles expressed throughout this document. Should officers witness offences or breaches of an authorisation during an inspection, appropriate action will be taken.
- 12.5 During the course of its inspections, the Licensing Authority may refer to any other agency any circumstance it finds that appears to it to be a

contravention of the legislation enforced by that agency. Equally where a premises user appears unaware of a requirement that is outside of the Licensing Authority's remit officers will do their best to signpost them to the appropriate authority.

- 12.6 Where possible a graduated response will be taken where contraventions of legislation are found or where conditions have been contravened. For instance an isolated administrative offence, such as failing to maintain records, may be dealt with by a written warning whilst a more serious offence, which has either been committed over a period of time or which jeopardises public safety may result in a referral for prosecution.
- 12.7 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Delivery Office (BRDO) in its consideration of the regulatory functions of Local Authorities.
- 12.8 The Licensing Authority shall also have regard to any corporate enforcement policy published by East Herts Council.
- 12.9 Where the power to make representations or initiate reviews on behalf of the Licensing Authority is utilised, proper separation of functions will be ensured by having different officers conduct the different functions (for example, if a licensing enforcement officer makes a representation, they will have no involvement in the administration of the application itself).
- 12.10 A number of licence-holders with multiple outlets have formed primary authority partnerships, under which they receive 'assured advice' from a single local authority in respect of one or more regulated aspects of their business – for example, preventing underage sales of age-restricted products. Where we have concerns around a premises whose operator has formed a primary authority partnership relevant to the issue in question, we will consult with the primary authority prior to taking any formal action.
- 12.11 Results of enforcement or investigation will be made available to responsible authorities who may wish to include this evidence in a Review of a premises licence or club premises certificate.
- 12.12 When applications are received that have a statutory requirement for consultation officers will check that notices are correctly displayed in compliance with the requirements of the legislation.

12.13 Raising concerns about licensed premises

12.14 Given the Council's desire to be as responsive as possible to concerns, it is likely that most enforcement action will be reactive. It is therefore paramount that individuals, organisations and other authorities report incidents and concerns about specific licensed premises when they arise so that timely investigation and intelligence gathering can take place.

12.15 Wherever possible, the Council would expect such concerns to be raised with the Premises Licence Holder or Designated Premises Supervisor in the first instance. Often, the business may not have realised that its operation is causing nuisance or problems and raising the issue is sufficient to ensure a prompt and adequate remedy.

12.16 Complaints can be made directly to Licensing Enforcement Officers at: licensing.enforcement@eastherts.gov.uk.

12.17 Dealing with complaints

12.18 In all instances complaints received about licensed premises, events and activities will be recorded.

12.19 If raising concerns directly with particular premises does not remedy the situation or is not appropriate, the Council may become involved. In such circumstances, the Council may:

- arrange meetings between various parties, including members of the public if appropriate, to jointly explore how best to remedy the situation
- direct the Premises Licence Holder or Designated Premises Supervisor, business owner or occupier, as appropriate, to take action. This could take the form of issuing advice and guidance or may be more directive, for example, though not limited to, requiring specific remedies for noise nuisance or imposing variations to the conditions of the licence via a review
- visit the premises in an attempt to witness the problem directly

12.20 Sometimes, issues may arise within an area or on a particular street where it is not clear which establishment(s) is causing the issues. It can be the case that an issue arises from the interaction of venues and patrons purely because of the geographical proximity, for example, a pub or club, late night food take-away and/or taxi ranks all located in close proximity may encourage concentrations of noise and/or other nuisance.

12.21 In the short-to-medium term, in such circumstances Council officers will seek to identify which establishment(s) is/are causing the issues and then make appropriate interventions as discussed above.

12.22 In the longer term, the Council, in its wider capacity than simply being the Licensing Authority, recognises it has a role to play with partners in identifying, addressing, mitigating and if at all possible designing-out the types of nuisance that can arise from the night time economy.

12.23 Partners' roles in enforcement activities

12.24 Enforcement activity may be undertaken by one or more of the responsible authorities separately based on the extent to which the issue in question relates to their particular jurisdiction.

12.25 The statutory guidance issued to Licensing Authorities by the Home Office under section 182 of the Licensing Act 2003 (last amended in 2018) states at 9.15:

"It is also reasonable for licensing authorities to expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority. For example, the police should make representations where the representations are based on concerns about crime and disorder. Likewise, it is reasonable to expect the local authority exercising environmental health functions to make representations where there are concerns about noise nuisance. Each responsible authority has equal standing under the 2003 Act and may act independently without waiting for representations from any other responsible authority".

12.26 On that basis the lead authorities would be:

- **Crime and disorder** – Hertfordshire Constabulary
- **Noise and other nuisance** – East Herts Council as Environmental Health
- **Public safety issues** – East Herts Council as Environmental Health; Hertfordshire County Council as Fire Authority
- **Prevention of children from harm** - Hertfordshire Constabulary; Hertfordshire County Council as Social Services and Education Authority.

12.27 Where the issues are wider, enforcement may be taken by the responsible authorities working together in partnership. The Council is committed to partnership working. This could involve, for example:

- sharing intelligence, joint monitoring visits and intervention meetings with licence holders
- bringing forward a review of the licence for an individual licensed premises
- seeking changes to the East Herts Council's Statement of Licensing Policy on the basis of the evidence for, and articulation of, particular amendments.

13.0 Reviews

13.1 A Responsible Authority or any other person can, at any time following the grant of a premises licence or club premises certificate, apply to the Licensing Authority to review the licence/certificate because of concerns arising at the premises which may have an adverse impact on any of the licensing objectives. The Authority regards this as a valuable protection for residents and businesses. Applications for a review must be made in writing and will be considered by a Licensing Sub-Committee at a hearing.

13.2 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, local residents or businesses and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation.

13.3 Responsible authorities are encouraged to give an early warning of concerns about problems identified at the premises concerned and of the need for improvement although it is recognised this is not always practicable or desirable. It is expected that a failure to respond to such warnings would lead to a decision to request a review.

13.4 Similarly those persons other than responsible authorities who are seeking a review are encouraged to take initial steps such as:

- Asking the Licensing Authority to talk to the licence/certificate holder on their behalf
- Asking their local MP or Councillor to speak to the licence/certificate holder on their behalf
- Talking to the relevant responsible authority to establish whether there is other action that can be taken to resolve the problem

- 13.5 We will expect that any party making an application for a licence to be reviewed will prove the facts that they are relying on to support their allegations on the balance of probabilities, that is, that it is more likely than not that the circumstances being complained of did actually occur. Because of the potentially serious consequences to a licence holder following a licence review, mere anecdotal or hearsay evidence will not be sufficient.
- 13.6 Following a review, the Authority will focus any remedial action directly on the concerns identified in the representations. In all cases, action will be appropriate, reasonable and proportionate to the nature of the problems giving rise to the review. Options available are:
- to modify the conditions of the premises licence
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor
 - suspend the licence for a period not exceeding three months;
 - revoke the licence;
 - take no action.
- 13.7 In its role as the Licensing Authority we will offer the same level of support and guidance to those wishing to apply for the review of a licence as we would to those seeking to apply for a new licence.

14.0 Appeals

- 14.1 Where the Licensing Authority's discretion has been engaged and a decision reached on a particular application, any party to the proceedings (including residents) aggrieved by a licensing decision is (in most cases) entitled to appeal to the Magistrates Court within 21 days of the receiving the decision notice.
- 14.2 Where there is a right of appeal the relevant parties will be notified of this right when they are issued with the decision.

15.0 Operating schedules

- 15.1 Steps to promote the licensing objectives¹²

¹² Revised guidance under s 182 Licensing Act 2003 issued April 2018, 8.41 – 8.45, <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

“In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives. Licensing authorities and responsible authorities are expected to publish information about what is meant by the promotion of the licensing objectives and to ensure that applicants can readily access advice about these matters. However, applicants are also expected to undertake their own enquiries about the area in which the premises are situated to inform the content of the application.

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives.

That they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- any risk posed to the local area by the applicants' proposed licensable activities; and any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.*

Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.

It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management

and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.

The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:

- *the Crime Mapping website;*
- *Neighbourhood Statistics websites;*
- *websites or publications by local responsible authorities;*
- *websites or publications by local voluntary schemes and initiatives; and*
- *on-line mapping tools. '*

15.2 Applicants are expected to write an operating schedule that shows how they will promote the licensing objectives. The operating schedule will be used as a basis for licence conditions for the individual premises.

16.0 Conditions

16.1 Licensing is about the regulation of licensed premises, qualifying members' clubs and temporary events. We may only impose conditions on premises licences and club premises certificates in two circumstances:

1. where the applicant volunteers them as part of their operating schedule; and/or
2. on receipt of relevant representations from potentially affected parties, or responsible authorities.

16.2 Where applicants volunteer conditions as part of their operating schedule our officers will draft appropriate conditions for premises licence and club registration certificates which reflect the intention of the applicant.

16.3 We have produced a separate document containing a pool of model conditions for premises licences and club premises certificates. Applicants are under no obligation to use these when preparing their operating schedules, but doing so may reduce the likelihood of representations being made about the application. Should relevant

representations be received, we may use conditions from the pool to address the concerns raised.

16.4 Conditions attached to premises licences or club premises certificates will be appropriate, reasonable, proportionate, and relevant and will be focused on matters within the control of the individual licence-holders and others granted relevant permissions. Conditions will be tailored to the style and characteristics of the individual premises. These matters will centre on the premises and places being used for licensable activities and have regard to the vicinity of those premises or places.

16.5 Conditions attached to licences and certificates will:

- be appropriate for the promotion of the licensing objectives;
- be precise and enforceable;
- be unambiguous and clear in what they intend to achieve;
- not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- be tailored to the individual type, location and characteristics of the premises and events concerned;
- not be standardised, as it may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- not replicate offences set out in the 2003 Act or other legislation;
- be proportionate, justifiable and be capable of being met, (for example, whilst beer glasses may be available in toughened glass, wine glasses may not);
- not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- be written in a prescriptive format.

16.6 Where we have discretion because relevant representations have been made about licensing applications, we may also take into account the following factors to fulfil our vision:

- (1) what contribution the application can make to creating a diverse offering, specifically in terms of offer to a wide-range of customers; family-friendly policies and facilities; operating hours; and pricing;
- (2) entertainment aimed at different age groups;
- (3) links with other activities in the town, to encourage day-time users to stay in the evening;
- (4) provision of a full food menu and not only alcohol;
- (5) transport/dispersal provision, particularly during periods when public transport is unavailable;
- (6) style and type of venue. The licensing authority wants to attract only high-quality operators who can provide a safe and professional environment, characterised by a range of activities and offers that would appeal to individuals of all backgrounds. This type of offering may (but need not) be characterised by:
 - a range of alcoholic and soft drinks suitable for all ages;
 - a food menu, including healthy options which caters for different tastes and needs, available throughout the duration of the premises' operating times;
 - facilities suitable for assisting customers with young children, such as high-chairs and baby-changing facilities, and facilities for family groups such as suitably laid-out seating/table areas;
 - a range of activities or entertainment that appeals to a range of age groups, whether provided at the same time or at separate times.
- (7) involvement in local community events and organisations
- (8) commitment to involvement in Community Safety Partnership (CSP) initiatives
- (9) use of pavement licences for outdoor table areas.

16.7 Licence holders must ensure that they and their premises comply with any conditions attached to a licence while licensable activities are taking place, otherwise they commit an offence.

16.8 Mandatory Conditions

- 16.9 Applicants for relevant licences and particularly licence holders of relevant licences need to be aware of the mandatory conditions that apply to their licence.
- 16.10 Responsibility for compliance with the relevant mandatory conditions fall to a 'responsible person' which is defines as:
1. The licence holder;
 2. The designated premises supervisor; or
 3. Any individual 18 or over who is authorised by either 1 or 2 above.
- 16.11 The mandatory conditions deal with matters such as: designated premises supervisor, authorisation by personal licence holders, irresponsible drink promotions (drinking games, large quantities of alcohol for free or a fixed price, prizes and reward, posters and flyers), dispensing alcohol directly into a mouth, free potable water, age verification, smaller measures, ban on sales of alcohol below the permitted price, exhibition of films and door supervision.
- 16.12 The Police, in their role as a responsible authority under the Licensing Act 2003 have highlighted concerns over irresponsible drinks promotions and the proliferation and popularity of 'Bottomless Brunches', which may have a negative impact on the licensing objectives. As such we feel it is important to address this point in the current revision of the policy.
- 16.13 The 'responsible person' as defined in 16.10 above must be careful not to breach the mandatory conditions, or any other conditions on a licence, when offering a drinks promotion.
- 16.14 If you want to run a promotion offering bottomless alcohol, it is important that this is done and managed properly to avoid any premises licence reviews or other issues:
1. Ensure the way the promotion is communicated and advertised is done responsibly so that customers understand the need to enjoy the promotion responsibly.
 2. The promotion should be subject to some kind of fair use policy and the business must retain the right to refuse alcohol to anyone who appears to be intoxicated and who may be causing issues.
 3. Promotions should ideally be time limited. This makes good commercial sense but is also good due diligence so that the provision of alcohol is not "unlimited or unspecified quantities of alcohol".

4. If any such promotion appears to be causing crime, disorder or nuisance at your premises, or in the vicinity, you should consider whether to cease the promotion or change it.
5. The inclusion of food within a promotion containing alcohol does not automatically preclude it from being an irresponsible promotion.

16.15 Any promotion will be considered on its own merits to see if it possesses a 'significant risk' of breaching one or more of the licensing objectives. If it does then it could be argued that it is an irresponsible promotion that can result in a review or a prosecution pursuant to section 136 of the Licensing Act 2003.

17.0 Special Licensing Policies

17.1 There are several types of special licensing policy which a Licensing Authority is entitled to adopt, to help it regulate the provision of licensable activities within its area.

17.2 Cumulative Impact

17.3 Cumulative impact is the term used to describe the impact, potential or actual, of a large number of licensed premises concentrated in a single locality. In terms of the licensing objectives, this may be evidenced by an increase in incidents of crime, disorder or public nuisance, over and above the impact of the individual premises themselves.

17.4 The cumulative impact of licensed premises on the promotion of any of the licensing objectives is a matter that the Licensing Authority can take into account in determining its Licensing Policy. This should not, however, be confused with any question of 'need' which relates to the commercial demand for a particular type of premises (for example, a pub, restaurant or hotel). The issue of 'need' is a matter for market forces to influence and for the planning authority to regulate, and so does not form part of this Policy statement.

17.5 The Licensing Authority will, where appropriate, and having received relevant representations, take into account the cumulative effect that the existence of a concentration of premises in one area may have. A concentration of licensed premises can attract customers to the area to such a degree that it has an adverse impact on the surrounding area beyond the control of individual licence holders.

- 17.6 The Licensing Authority notes that, in accordance with the Guidance, it may adopt a special policy in response to a cumulative impact issue in a defined area. Consideration of such a policy may be prompted by submissions from responsible authorities or other persons, evidenced appropriately and linked to one or more of the licensing objectives. Where such a policy has been adopted, the issue of cumulative impact can be taken into account when considering the individual merits of any application within the area defined within that policy.
- 17.7 Where the cumulative effect of many licensed premises within an area gives rise to problems of public disorder and nuisance in the surrounding area the Licensing Authority may consider it inappropriate for any further licensed premises to be established in the area and / or capacities to be increased. In these circumstances, and where suitable and sufficient evidence is provided, the Licensing Authority will consider declaring a cumulative impact area.
- 17.8 Hertford Town Centre
During the drafting of this revision of the Policy a number of parties raised the issue of the cumulative impact of the licensed premises within Hertford Town Centre. The Licensing Authority has engaged with the Police and Public Health and has undertaken to examine the evidence available of the cumulative impact of licensed premises in the area.
- 17.9 Whilst this policy has been determined to cover 2021-26 we have an obligation to keep it under review during that period and make revisions where we consider it appropriate. If during the life of this document we are presented with evidence to support a special policy anywhere within the District we will not hesitate to act.
- 17.10 If such a policy were adopted it would not override the duty on the Licensing Authority to consider each application on its own merits. Such a policy would introduce a presumption of refusal of applications for new premises licences or variations of existing premises licences within a defined area except where the applicant can demonstrate that the grant would not negatively impact on the relevant licensing objectives (normally the Prevention of Crime and Disorder and Prevention of Public Nuisance).
- 17.11 The absence of a special policy does not prevent any responsible authority or other party making representations on an application for the grant of a

licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

17.12 In coming to any decision about cumulative impact the Licensing Authority will have regard to other mechanisms outside of the licensing regime which may be available to address this issue.

17.13 When dealing with cumulative impact issues, the Licensing Authority recognises that, as well as licensing functions, there are a number of other mechanisms for addressing issues of nuisance, disorder and anti-social behaviour occurring away from licensed premises. These may include:

- planning controls;
- measures to provide a safer and cleaner environment in partnership with local businesses, transport operators and other departments of the Council;
- the provision of CCTV surveillance in town centres, taxi ranks, street cleaning and litter patrols;
- powers for a local authority to protect public spaces from the effects of anti-social consumption of alcohol, enabling police and accredited persons to confiscate alcohol;
- enforcement of the law relating to disorder and anti-social behaviour, including the issue of fixed penalty notices or other sanctions under the Anti-Social Behaviour, Crime and Policing Act 2014;
- the prosecution of any personal licence holder or member of staff at licensed premises who is selling alcohol to children or people who are drunk;
- powers to close down instantly any premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from premises causing a nuisance;
- the power for responsible authorities or other persons to apply for a review of a premises licence or club premises certificate; or
- other local initiatives that similarly address these problems.

17.14 Early morning alcohol restriction orders (EMARO's)

17.15 To promote the licensing objectives, a Licensing Authority may utilise powers under the Act to pass an early morning alcohol restriction order. Such an order would prohibit the sale of alcohol from any premises within

an area defined in the order between specified times (which may extend from midnight until 6 a.m.) on specified days.

17.16 It is envisaged that this power will only be used in response to severe and recurring issues arising from the supply of alcohol in the night-time economy, such as high levels of alcohol-related crime and disorder in specific areas at specific times, which cannot be attributed to an individual premises. The Licensing Authority views this as a 'last resort' option, for use after other tools have been unsuccessful in remedying the issue.

17.17 At the present time, East Herts has not utilised the provisions of the Act to pass an early morning alcohol restriction order, and has no current plans to do so. Should this position change, full details will be published on our website and notified to all licensed premises that would be affected.

17.18 Late night levy

17.19 Part 2 of the Police Reform and Social Responsibility Act 2011 introduced a new power for Licensing Authorities to establish a 'late night levy'. Licensed premises within the area of a Licensing Authority which has adopted such a requirement will be required to pay an additional annual fee if they are licensed to supply alcohol within a late night period set by the Authority (generally between midnight and 6 a.m., although shorter periods are permissible).

17.20 Where a levy requirement has been adopted, the Licensing Authority will be responsible for the collection of the appropriate amounts from licence-holders. After deduction of administration costs, not less than 70% of the net proceeds of the levy must be paid by the Licensing Authority to the local Police force, which may be used (but is not required to be) to offset the costs incurred in policing the night time economy arising from the alcohol supplies permitted from affected licensed premises. The remaining amount may only be applied on purposes prescribed in Regulations, namely arrangements connected with the late night supply of alcohol for one or more of the following functions:

- The reduction or prevention of crime and disorder
- The promotion of public safety
- The reduction or prevention of public nuisance
- The cleaning of any relevant highway or relevant land in its area.

17.21 At the time of writing, East Herts has not adopted the provisions of the 2011 Act relating to a late night levy, nor is it currently intended to do so.

18.0 Public health and well-being

- 18.1 It is against the background of warnings from Public Health Herts about the impact of alcohol abuse upon our populations' health and well-being that the Executive Member supported by the East Herts Licensing Committee recognised the need to incorporate public health and well-being concerns within its Statement of Licensing Policy and its decision-making process.
- 18.2 East Herts Council's Environmental Health services and the Licensing section already work closely together. The service also incorporates Community Safety alongside its Public Health officers. The alignment of these different service areas has highlighted synergies, which, with appropriate policies and partnership support, could see significant benefits for residents.
- 18.3 The Police Reform and Social Responsibility Act 2011 made primary care trust's (PCT) or local health board's (LHB) a responsible authority under the Licensing Act 2003. Therefore they are able to make representations against licence applications. Currently, unlike in Scotland, England does not have a fifth licensing objective relating to Public Health.
- 18.4 The Council has considered the potential role of Public Health within licensing and this Policy has considered the revised s.182 Guidance at length.
- 18.5 East Herts Council has taken the decision, with the full understanding and knowledge of the section 182 Revised Guidance and relevant legislation, to engage with Public Health as a central consideration in its decision making process. As a result, where a relevant representation is made regarding the undermining of the licensing objectives, and that representation relates to public health and well-being and is supported by evidence, that representation will be considered during the decision making process.

- 18.6 This includes considering information about the impact of alcohol abuse upon wider Public Health issues, such as alcohol related illness and harms, and not just immediate impacts such as slips trips and falls from intoxication. The purpose of this is not to attempt to make Public Health the fifth licensing objective, rather using the ordinary definition of the licensing objectives to help address evidence based alcohol related harms within our communities.
- 18.7 While recognising that evidence based alcohol related harms are a key concern, the Licensing Authority also recognises that alcohol is just one, albeit significant, component of the recreational and in particular late night economy with which the licensing regime is addressed. The Licensing Authority will approach any Public Health representation within the wide framework of the regime and not exclusively on health and well-being considerations.

18.8 Cardiff Model data

- 18.9 Public Health may also hold (or have access to) health data concerning individual premises – for example, ‘Cardiff Model’¹³ data of alcohol-related admissions to hospital emergency departments. Such data may be of particular use to the Licensing Authority when it considers an application for review of an existing licence or certificate, and the Licensing Authority encourages responsible authorities who are bringing reviews to liaise with Public Health and examine whether any such data supports, or conflicts with, the grounds on which a review has been brought.
- 18.10 The Licensing Authority notes that there are limitations to such data – for example, the Cardiff Model generally only specifies the last premises attended by a casualty, and may not detail any other premises where they consumed alcohol earlier in the evening, or any alcohol consumed at home (a practice widely known as ‘pre-loading’). For this reason, the Licensing Authority will carefully examine any such data presented in support of a representation or review. It is considered unlikely that action will be taken based solely on Cardiff Model data – however, such data may act to reinforce other evidence presented in respect of a particular case,

¹³ <https://www.cardiff.ac.uk/crime-security-research-institute/publications/research-briefings/the-cardiff-model>

or may be indicative of an issue in a particular area requiring further investigation.

- 18.11 Health data relating to alcohol consumption by children will also be considered carefully by the Authority, as it may indicate a particular geographic area where children are gaining access to alcohol. Such data may be correlated with complaints and reports of underage sales to inform and influence future enforcement operations undertaken by the Licensing Authority and responsible authorities.

19.0 Planning permission

- 19.1 Any premises which are the subject of an application for a licence should preferably have a permitted or lawful use under planning legislation already in place. If the premises do not have this, then it will need to be obtained separately before licensed activity can lawfully take place.

19.2 Expressing views through the planning process

- 19.3 Another key route by which stakeholders can express their views is through the planning process, either when neighbourhood plans are being developed or when particular planning applications are considered. The mechanisms and procedures governing how interested parties can input to planning decisions is covered in the council's planning policies: <https://www.eastherts.gov.uk/planning>

19.4 Interplay between planning decision making and licensing decision making

- 19.5 While the development control and planning consent processes are separate jurisdictions to licensing decision making there are links between them. The Council as a planning authority is a responsible authority under the Licensing Act 2003. Intelligence sharing and representations are routinely made between officers involved in processing applications under the two decision making regimes. The decision making processes and enforcement criteria under each regime, however, are different so that action taken in response to particular circumstances involving a given venue may not be the same under both regimes.

- 19.6 The Council Planning Department is a Responsible Authority, and receives copies of premises licence applications. Where there is no planning consent for the use for which the licence is sought, Planning will be responsible for pointing this out to the applicant outside of the remit of this Policy.
- 19.7 Where representations have been made by the Planning Authority on grounds that the application will undermine the licensing objectives unless planning permission has been obtained, and we resolve to grant a premises licence or club premises certificate, it may be subject to a condition that it will be of no effect until the appropriate planning permission has been granted by the Local Planning Authority.
- 19.8 In many cases where an application is made for a new licence or variation, the planning use will already be authorised by a previous planning permission or because the premises has a long-standing lawful use. Therefore, a new application for planning permission is often not required.
- 19.9 However, the existing planning permission might, and if recently granted is very likely to have conditions restricting the use of the premises in some way: e.g. the hours of operation. In that case, anybody seeking a licence to operate beyond those hours will need to seek and obtain a revised planning permission or a variation or removal of the relevant planning condition.

20.0 Festivals and outdoor events

- 20.1 The Licensing Authority recognises the contribution that well-run outdoor events bring to local communities, and is pleased to support events which are run in a manner that will promote the licensing objectives.
- 20.2 The organisation of outdoor events of any size is a significant undertaking, with a multitude of issues which must be taken into account. Licensing is only one aspect of the regulation and control of such events.
- 20.3 Generally we would expect the organisers of all outdoor events to follow the advice contained in the "Purple Guide" when planning their event. This document contains guidance written by and for the events industry in

respect of safety and welfare aspects of event management, and replaced earlier guidance issued by the Health and Safety Executive.

- 20.4 For larger events, taking place under the authority of premises licences, it is recommended that organisers consider engaging professional advice and assistance, particularly with regards to issues which may affect public safety.
- 20.5 The Authority will expect the organisers of any large events (taking place under the authority of a premises licence) or events which include special risk factors to consult the East Herts Safety Advisory Group (SAG) while planning their event, and to implement any reasonable recommendations made by the group. The SAG is a multi-agency body, which includes representatives of the Licensing Authority, responsible authorities and other statutory bodies who have involvement in the organisation and safe running of events¹⁴.
- 20.6 Prior to applying for a licence, event organisers will need to secure permission from the appropriate landowner for the site on which they intend to hold their event. In the case of public land which the Council is responsible for managing, including parks and common land, approaches should be made to the Assets & Estates team within the Strategic Finance & Property service.
- 20.7 One of the major concerns arising from outdoor events is disturbance to local residents from noise associated with music entertainment at the event, or other noisy equipment such as generators, public announcement systems, fireworks, and so on. The Licensing Authority will expect to receive a comprehensive operating schedule from applicants, containing appropriate proposals to control such issues and promote the prevention of public nuisance licensing objective. Depending on the size and nature of the event it is likely this will need to include a comprehensive Event Management Plan (EMP) integrating a specific Noise Management Plan.
- 20.8 Where the nature of an event means an Event Management Plan, or other similar document, is required it is likely that the responsible authorities

¹⁴ Small scale events may still benefit from contacting the East Herts Safety Advisory Group: <https://www.eastherts.gov.uk/community-wellbeing/community-events>

will need the final version of these documents to be provided 6 weeks in advance of the event start date. This sort of time scale allows the responsible authority time to properly consider the documents, respond with any concerns and then those concerns to be addressed in good time. Late submission of complex and lengthy documents is likely to result in representations being made against applications.

- 20.9 To mitigate concerns, as far as possible early engagement with those likely to be affected by an event is expected. Simply fulfilling the statutory obligation to advertise is likely to trigger representations and raise concerns more than if there has been early engagement. Please refer to the section of this Policy that deals with “Pre-application advice & engagement” for further details.

20.10 Use of multiple Temporary Event Notices for a single event

- 20.11 It has become increasingly common for larger scale events where licensable activities are taking place to be covered by multiple Temporary Event Notices (TEN's).

- 20.12 Whilst this will often be perfectly legal, it is important that sufficient formal planning is carried out for such events in order to reassure the Police and Environmental Health that the event can take place in such a way that the licensing objectives are promoted.

- 20.13 It is also important that organisers take suitable steps to ensure that they can be confident that they will not be inadvertently breaching licensing laws when running events in this way.

- 20.14 Organisers should consider using the East Herts Safety Advisory Group and whether seeking pre-application advice would be worthwhile.

21.0 Circuses

- 21.1 It is clear that authority is needed under the Licensing Act should a circus sell alcohol or provide late night refreshment.

- 21.2 In addition, The Legislative Reform (Entertainment Licensing) Order 2014 deregulated entertainment in travelling circuses provided that the following qualifying conditions are met:

- the entertainment is not an exhibition of a film or a boxing or wrestling entertainment;
- the entertainment takes place between 08.00 and 23.00 on the same day;
- the entertainment takes place wholly within a moveable structure and the audience present is accommodated wholly inside that moveable structure; and
- the travelling circus has not been located on the same site for more than 28 consecutive days.

21.3 The position is less clear in terms of regulated entertainment, and we are aware of extremes in approaches by Licensing Authorities across the country. It is this Authority's opinion that the incidental music to a circus performance is not licensable, clowns may not necessarily be playing a dramatic role qualifying as a theatrical performance, trapeze artistes are not engaged in indoor sports and film performances are rarely included.

21.4 Evidence nationally indicates that circuses are low risk, pose no significant risk to the licensing objectives, add value to the cultural activities of a town, and are regulated by other means including compliance with the Health and Safety at Work etc. Act 1974.

22.0 Garages and motorway service areas

22.1 Section 176 of the 2003 Act prohibits the sale or supply of alcohol from premises which are used primarily as a garage, or are part of premises used primarily as a garage. Premises are used primarily as a garage if they are used for one or more of the following:

- the retailing of petrol;
- the retailing of diesel (derv);
- the sale of motor vehicles; and
- the maintenance of motor vehicles.

22.2 If premises that are primarily used as a garage are granted a licence, that licence is "of no effect" and alcohol may not be lawfully sold.

22.3 Although there is no requirement in the legislation for an applicant for a licence to provide proof of primary use it is considered useful for this

information to be included so that it is clear to all parties if the licence has affect or not. Applications that do not include this information will still be processed and determined as required by the Licensing Act 2003.

- 22.4 Where there is a question around the primary use of premises, we may request that an applicant or licence holder demonstrate that their premises are not primarily used as a garage based on intensity of use. The Licensing Authority requests that evidence be based on **income** (from retailing petrol and derv and vehicles sales/maintenance versus other items) and **the numbers of individual sales** (of petrol, derv and vehicles sales/maintenance versus other items) over the previous two years to show that petrol and derv sales, and vehicle maintenance and sales, are not the premises main feature.
- 22.5 Where insufficient evidence exists to establish primary use, we will decide whether or not grant a licence and deal with any subsequent issues using our enforcement powers in conjunction with other responsible authorities.
- 22.6 Where such information is not available (because for example the premises have only just started trading), we will consider imposing a condition requiring this information to be provided to the licensing authority on a regular basis for the following two years to ensure the premises are not primarily a garage.
- 22.7 Where relevant representations have been made and a Licensing Sub-Committee will be the determining the application we shall treat it as an off-licence, as defined in this Policy.
- 22.8 Paragraph 5.23 of the statutory guidance issued under the Act makes it clear that the Licensing Authority must decide whether or not any premises is used primarily as a garage. We are aware that different authorities take a number of different approaches to this question. However, we hope that the proceeding paragraphs will guide applicants and licence holders as to the information we would like them to provide if this question arises.

23.0 Security and CCTV

- 23.1 Under a mandatory licence condition, any person engaged to work at licensed premises who is carrying out a prescribed security activity, as specified under the Private Security Industry Act 2001, must be correctly

licensed to carry out that function by the Security Industry Authority, or otherwise authorised under an approved contractor scheme or similar.

- 23.2 The Licensing Authority will expect applicants for licences to consider whether they may need to employ security personnel when compiling their operating schedules. This expectation will not just apply to premises licensed for the supply and consumption of alcohol, but any premises which may potentially experience disorder.
- 23.3 Premises which are licensed for the supply of late night refreshment, located either in Town Centre locations or on primary dispersal routes from such locations, and which cater primarily for the night-time economy may in particular need to consider whether security personnel will be necessary, both to safeguard their premises against damage, and to prevent outbreaks of disorder among customers who may be intoxicated.
- 23.4 Where a premises experiences regular incidents of disorder and does not employ security personnel to guard against this, the Licensing Authority may consider the imposition of licence conditions mandating their provision, on receipt of an application to review a licence.
- 23.5 Where a premises has a policy of searching patrons prior to entry, searches should only be carried out by security personnel of the same gender as the customer who is being searched. This will mean that such premises will need to employ a minimum of one male and one female door supervisor.

23.6 CCTV

- 23.7 The Licensing Authority will have regard to the Surveillance Camera Code of Practice¹⁵, in particular paragraph 1.15, which highlights that the blanket imposition of licence conditions requiring CCTV systems to be operated in licensed premises without strong justification would be contrary to the first principle of the code. The imposition of CCTV conditions will, like all other matters relating to authorisations under the Act, be considered on a case-by-case basis, taking into account the circumstances and individual merits of the case in question. The Licensing Authority may still impose conditions requiring the operation of CCTV, if it

¹⁵ <https://www.gov.uk/government/publications/surveillance-camera-code-of-practice> (June 2013)

is considered necessary to meet an identified pressing need and for a specified purpose, in addition to being appropriate for the promotion of one or more of the licensing objectives.

23.8 In the absence of a condition requiring it, it will be for the licence-holder to decide whether to operate a CCTV system in their premises. The Code of Practice, while binding on public authorities, is voluntary for private operators, although adherence to the principles therein is encouraged.

23.9 Where CCTV is in use in licensed premises, the Licensing Authority will expect its use to comply with the provisions of the Data Protection Act. In particular, this will mean that:

- the licence-holder must register with the Information Commissioner as a Data Controller
- clear signage is displayed advising of the usage of CCTV
- the CCTV is under the control of and accessible only by management and supervisory staff, who are conversant in its usage
- the licence-holder has a clear policy on the retention of recorded images, and disposes of them after a set period (typically around 28 days) unless an incident is reported

23.10 To ensure the most effective use of CCTV, it is also encouraged that:

- the date and time on the system is correctly set
- the system is kept operational at all times while the premises are open to the public
- there is camera coverage of the key parts of the premises, including all entrances/exits, bars, checkouts and dancefloors
- where recordings are required by police to assist in an investigation, that these can be accessed and supplied within a reasonable period – a maximum of 24 hours from receipt of a request is suggested

23.11 Hertfordshire Constabulary's crime prevention officers can offer advice on the installation and setup of CCTV systems to ensure best evidential quality.

24.0 Drugs and new psychoactive substances

24.1 The Licensing Authority expects all licensed premises to adopt suitable measures to detect and discourage persons from using controlled drugs (which for the purposes of this section means substances which are proscribed under the Misuse of Drugs Act 1971) while on those premises. Examples of such measures may include, but are not limited to, the following:

- Ensuring a highly visible staff presence throughout the premises
- Regular checks by staff of ancillary areas such as lobbies, toilets, cloakrooms and corridors
- Redesigning toilet facilities to remove horizontal surfaces, and niches and other areas where illicit items could be concealed
- Ensuring that all staff, and door staff in particular, are trained to recognise visible signs that a person is under the influence of an illegal substance, and to refuse such persons entry to the premises
- Operating robust 'search on entry' policies, with procedures in place to confiscate controlled drugs found during searches and hand these to police at the earliest opportunity
- Carrying out testing on surfaces within the premises to detect the presence of traces of controlled drugs
- Enforcing a zero tolerance policy to the use or supply of controlled drugs within the premises, ejecting or refusing entry to persons known to be linked to the use or supply of controlled drugs, and reporting to the police any person suspected of supplying controlled drugs

24.2 Where a licence holder believes that there may be an issue with the illegal use or supply of controlled drugs within their premises, they are strongly encouraged to contact Hertfordshire Constabulary for advice and assistance in remedying that issue. This may involve a degree of 'target hardening' – redesigning parts of the premises or operating procedures to more easily detect and discourage such practices. Where premises are co-operating with the Police to deal with such issues, the Licensing Authority is less likely to take action to remove or restrict the licence, than it would with premises which do not offer co-operation.

- 24.3 For the purposes of this part of the Policy, the Licensing Authority will regard new psychoactive substances (widely referred to as 'legal highs') in the same way as it does controlled drugs, and will expect that the measures taken in licensed premises to detect and discourage the use of controlled drugs will also extend to these substances, which generally mimic the effect of a controlled drug.
- 24.4 The Licensing Authority expects that licensed premises will not engage in, sanction nor condone the sale or supply of new psychoactive substances in or from their premises, and may seek to take enforcement action against premises that are found to be doing so.
- 24.5 The Licensing Authority recognises that Government has committed to strengthening the legislation around the supply and use of new psychoactive substances and welcomes such moves.

25.0 Modern slavery

- 25.1 Modern slavery is a crime. The UK [Modern Slavery Act 2015](#) includes the following under the offence of modern slavery:
- Slavery, where ownership is exercised over a person
 - Servitude, where a person is obliged to provide services imposed by coercion
 - Forced or compulsory labour, which involves work extracted under the menace of penalty and for which the person has not offered himself voluntarily
 - Human trafficking, which involves the movement of people by means such as force, fraud, coercion or deception with the aim of exploiting them
- 25.2 Modern slavery happens everywhere, including here in the UK. It operates in plain sight and can affect businesses without them even knowing. In the UK, estimates go as high as 136,000 when quantifying the number of hidden victims living in conditions of slavery. In the European hospitality sector, which includes bars and restaurants, a recent study found 110,000 victims of exploitation annually. Government agencies in the UK have specifically identified hospitality as a high-risk area for modern slavery.

- 25.3 Due to the nature of footfall seen in many licensed premises, employees may identify issues, which should be reported. However, it is also crucial that all businesses, including licensed premises, understand how they might be affected so that they can take steps to reduce the risk. Exploitation accounts for all situations that stray away from 'decent work', from labour market infringements and abuse, all the way to more severe forms of exploitation.

Licensed premises might be unwitting hosts to modern slavery in two ways:

1. Staff being recruited through unscrupulous means, leaving them trapped and/or indebted to a trafficker.
2. Victims and their traffickers visiting the establishment. Sexual exploitation and forced criminality would be the most common forms identified in this way.

25.4 Mitigating Exploitation Risks to Workers

- 25.5 Licensed premises should be aware of and meeting their obligations under all relevant legislation, including the Modern Slavery Act 2015, The Conduct of Employment Agencies and Employment Businesses Regulations 2003 and the National Minimum Wage Act 1998.
- 25.6 Examples of labour market infringements that have been known to be experienced by employees of licensed premises include: 1) Long hours, 2) insufficient pay (e.g. non-payment of minimum wage), 3) poor working conditions e.g. denial of sick pay and other entitlements, 4) bogus self-employment; and 5) control by an unscrupulous third-party agency.
- 25.7 Other examples of labour market infringements include: 1) Lack of personal protective equipment (PPE); 2) Few or no breaks; 3) Demeaning treatment; 4) Retention of identity documents or valuable possessions, 5) Restriction of movement or confinement to the workplace; and 6) Threat of denunciation to authorities (mainly illegal migrant workers).
- 25.8 There are also specific examples of practice that sometimes occur within licensed premises, which can create vulnerability and increase the risk of exploitation of drivers and office staff. In certain sectors, the use of fixed

pay, part-time and/or zero-hour contracts is a common practice, which can lead to underemployment or workers being paid below minimum wage. It is important that licensed premises owners and managers take account of their own anti-slavery policies and practices, as well as those of subcontractors and third-party agencies.

25.9 Owners and managers of licensed premises are responsible for ensuring that their employees' rights are upheld. A licence holder can work to prevent labour exploitation and modern slavery by taking steps to mitigate the risks of exploitation and undertaking effective due diligence. Steps to take include the following:

1. Promoting awareness of worker rights. Specifically, providing **every worker with a written contract** in a language they understand detailing working hours, pay/overtime rates, deductions (if any), holiday and sick pay entitlements and accommodation arrangements (if relevant)
2. Ensuring **clear reporting channels for grievances and whistleblowing** are clear and that workers are made aware of these procedures (see Section 25.14: Identification and Reporting)
3. **Conducting internal checks and checks of subcontractors** i.e. check payroll to ensure worker's wages are paid directly to them, that workers are being paid the national minimum wage at a minimum, and that no workers have paid any fees related to their recruitment. Also speak to workers directly.
4. Committing to **uphold high ethical standards**.
5. Ensuring that **all worker communications are translated** into the languages that make up the licensed premise's workforce. (For more information on how to undertake these steps, see the Modern Slavery SME Toolkit)
6. **Raising awareness of the signs of exploitation with workers**. It is important to ensure that any independent contractors (e.g. self-employed beauticians) are in fact agreeing to a fair contract and where work, fare and contract termination are agreed by both parties.

25.10 Third-Party Due Diligence

25.11 Before working with a third-party agency, licensed premise owners/managers should always check that:

- The company is **licensed to provide temporary labour** to the relevant sector of your business.
- The company's directors are **not listed on the Employment Agency Standards Inspectorate's list** of people that have been prohibited from running an employment agency/business due to past misconduct.
- The company only **subcontracts with a licensed premise's authorisation** and conducts their own due diligence on subcontractors when we give permission to subcontract.
- The company has a clear **commitment to not charging recruitment fees** and to covering the cost of recruitment when sourcing workers from overseas.
- The company has an **accessible and transparent reporting mechanism** that all workers can use to report concerns or issues.
- The company **provides information to their workers** on what optional services they offer, how much they cost, and how the workers can refuse or cancel them without penalty.

25.12 In the course of working with a third-party provider of employees, licensed premise owners and managers should periodically review a sample of employee key documents to ensure required labour standards are being met. Key documents to be reviewed could include:

1. **Payslips** (i.e. to check that the number of hours match operator records, that all workers are being paid at least the NMW, that optional services are clearly indicated, and that correct taxes and national insurance contributions are being paid);
2. **Right to work checks.**

25.13 Additionally, licensed premise owners and managers are encouraged to speak with all workers directly, on occasion, to ascertain if any labour market infringements have been made

25.14 Identification and Reporting

25.15 Staff at licensed premises can have the power to identify and report any exploitation they encounter, whether experienced by them, a colleague, a

customer, or a client. A licence holder may ensure awareness of modern slavery by:

- Provide **regular training** to all staff on the indicators of modern slavery and how to report concerns.
- Establishing **strong relationships with local police and victims service providers**, such as the national Modern Slavery and Exploitation Helpline (0800 0121 700), in advance of any incident.

25.16 Reporting Protocols

25.17 Having **clear and straightforward protocols** for when an incident is discovered is crucial to ensure that victims get appropriate support. Where employees identify a potential victim, they can follow a specific internal procedure in order to protect the safety of that individual.

25.18 The procedure should **1) not be overly complex, 2) should involve senior level staff and 3) should account for when reporting should go immediately to the police** (i.e. if certain indicators are met, if the potential victim is in immediate danger, if the potential victim is a child).

The Modern Slavery and Exploitation Helpline (0800 0121 700) can provide support to anyone who has a suspicion and would like some guidance on next steps, 24 hours a day.

26.0 Child Sexual Exploitation (CSE)

26.1 High-profile cases around the UK have acted to highlight the potential links between victims of child sexual exploitation and licensed premises. As licensing authorities have a statutory duty to ensure the protection of children from harm through the exercise of their licensing functions, it is important that licence-holders are aware of the potential for premises to be used by persons who are exploiting children for sexual purposes, and take appropriate measures to detect and discourage this.

26.2 Child sexual exploitation generally involves a young person being encouraged, coerced or forced into participating in a sexual relationship or activity by an adult. It frequently involves the victim being offered something in exchange for this, such as money, gifts, food, alcohol,

cigarettes, drugs, involvement in adult situations, or sometimes just attention. Victims may have been subject to a grooming process lasting for weeks, months or years.

26.3 There is no single model of sexual exploitation – different cases will all have different circumstances. Similarly victims can be very different. While some victims may have had troubled backgrounds, others may come from prosperous and loving families.

26.4 There are a number of indicators which may indicate possible child sexual exploitation. These include, but are not limited to:

- relationships which develop between a child and an adult;
- children accompanied by a group of unrelated adults;
- children regularly attending premises and meeting with a number of different adults, particularly if alcohol is being purchased for the child;
- children outside of licensed premises who develop relationships with adults, particularly if alcohol is being purchased for the child;
- children leaving the premises with unrelated adults, particularly with a group of adults;
- children looking uncomfortable in the company of or leaving the premises with adults, or groups of adults.

26.5 It must be stated that not every instance of the behaviours listed above will indicate exploitation, and many interactions between children and adults will be perfectly innocent. However, if staff at licensed premises have reasonable grounds for suspicion (for example, if the child does not appear to know the adults they are with, or appears distressed) then they should be urged to report this.

26.6 The Licensing Authority expects licence-holders and applicants for new licences to be aware of the possibility of child sexual exploitation taking place in or around licensed premises, and to adopt suitable protective measures to assist in the detection and reporting of incidents of this. These may include:

- inclusion of child sexual exploitation issues within training programs for new and existing staff,

- written management procedures for identifying and reporting suspicious behaviour to police,
- frequent monitoring of all areas of the premises and immediate vicinity, including external areas, to detect behaviours of the types listed above.

26.7 Hertfordshire Safeguarding Children Board, in conjunction with Hertfordshire Constabulary, has produced information packs¹⁶, containing further relevant guidance to the management and staff of licensed premises, and of hotels. The Licensing Authority strongly recommends that licensed premises use these packs to raise awareness of child sexual exploitation among staff, and to formulate protocols for reporting any suspect behaviour, observed by their staff.

27.0 Film classification

27.1 Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the Licensing Authority. Where recommendations have been made by both bodies, and the Licensing Authority has notified licence-holders of this, the Licensing Authority's recommendation will take precedence.

27.2 For the purposes of sections 20 and 74 of the Act, the Licensing Authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.

27.3 The Licensing Authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or Licensing Authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.

27.4 Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case

¹⁶ <http://www.hertsdirect.org/services/healthsoc/childfam/childprotection/hertssafboard/childexplo/>

of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a Licensing Authority recommendation should be displayed at or near the entrance to the screening.

27.5 The Licensing Authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the District. However in a small number of cases, the Licensing Authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:

- In cases where the Licensing Authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
- In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.
- In cases where the Licensing Authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.

27.6 The third of these groups may include films intended to be shown at 'parent and baby' screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The Licensing Authority is aware that some cinemas across the country have agreed schemes whereby the applicable Licensing Authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.

27.7 It is recommended that any premises considering the provision of such screenings contacts the Licensing Authority to discuss the proposals firstly. The authority will typically expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.

27.8 Issue of recommendations by the authority

27.9 When exercising powers under section 20 to issue an admission recommendation for a previously-unclassified film, it is proposed that the authority will adhere to the BBFC's Classification Guidelines (www.bbfc.co.uk), and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the 'certificates'.

27.10 In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the Licensing Authority.

27.11 Alternate recommendations for parent and baby Screening

27.12 Where the Licensing Authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC's original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC's original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to 'parent and baby' only. Issues will be assessed on a film-by-film basis, but it is anticipated that scenes of strong violence and gore, sex and strong threat will lead to greater concern around viewing by children of that age than strong language, mild nudity and discriminatory content will.

27.13 Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

28.0 Promotion of Equality

28.1 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different characteristics. The 2010 Act provides for a number of protected characteristics, as follows:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

28.2 The Licensing Authority expects that licensed premises will not discriminate against any person based solely on any of these characteristics – for example, refusing a person entry to a licensed premises on the basis of their race, gender or age.

28.3 The sole exception to this will be where such action is necessary to comply with legal requirements or licence conditions, particularly in respect of ensuring an individual's age in situations where licence-holders must restrict access to age-restricted goods or services to any person who is below the legal age for that good or service – for example, the sale of alcohol to under-18's, or admission of under 15's or under 18's to a film with a '15' or '18' certificate.

28.4 The Licensing Authority will also expect member's clubs to ensure that their membership rules do not result in discrimination against a person on the basis of a protected characteristic – for example, maintaining different membership classes for persons of different genders.

29.0 Other considerations

29.1 Licensed premises are subject to many statutory requirements including fire safety, trading standards, food hygiene, health and safety, and planning. These different regulatory systems will be properly separated as described in the Guidance.

29.2 In addition, section 17 of the Crime and Disorder Act 1998 requires the Council when exercising its functions to do all it reasonably can to prevent crime and disorder.

29.3 By consulting widely prior to this policy statement being published the Licensing Authority will endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies.

29.4 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies or local crime prevention strategies and to have taken these into account, where appropriate, when formulating their operating schedule.

29.5 There are a number of wider issues which may need to be given due consideration when dealing with applications. The Licensing Authority may, when appropriate, receive reports on:

- the needs of the local tourist economy;
- the cultural strategy for the area;
- the employment situation in the area and the need for new investment and employment opportunities where appropriate;
- planning considerations which might affect licensed premises

29.6 Live music, dance and theatre

- 29.7 The Licensing Authority will monitor the impact of its licensing decisions on the provision of regulated entertainment within the District, and particularly live music, dancing and plays.
- 29.8 Many events which consist solely of these activities will now fall outside of licensing requirements, following deregulation.
- 29.9 The Licensing Authority is aware of the Covenant on Economic, Social and Cultural Rights and the requirements of Article 15 which require that progressive measures be taken to ensure that everyone can participate in the cultural life of the community and enjoy the arts. Care will be taken to ensure that only appropriate, proportionate and reasonable licensing conditions are imposed on these events.
- 29.10 Account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community of these activities.
- 29.11 When attaching conditions the Licensing Authority will generally seek to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However the Licensing Authority notes that on occasion it may have no choice but to impose such requirements in order to safeguard the licensing objectives – for example, requiring the installation of safety equipment to ensure the safety of persons attending an entertainment performance.

Appendix 1 - Consultation

Prior to starting the consultation on the proposed revision of the Statement of Licensing Policy the Licensing Authority engaged with or created a number of reference groups to seek views and influence the contents of the Policy.

These included:

- A cross party Member reference group made up of East Herts Councillor's
- Responsible authorities group
- Licence holders group
- Hertford at Night group

All members of the Community Safety Partnership (CSP) and the Safety Advisory Group (SAG) were invited to attend meetings or share their opinions and concerns in other ways.

The draft revised Policy, which was formulated following the engagement detailed above, was put before the Member reference group for any additional comments, amendments or questions before the public consultation started.

The consultation on this Statement of Licensing Policy was open to the public and has been widely publicised. Anyone who wanted to make comment was welcome to do so during the 4 week consultation. Below is a list of individuals, organisations and / or representatives directly consulted in the preparation of the Licensing Policy. The list is not exhaustive but gives a good indication of the scope of the consultation exercise.

- The responsible authorities designated under the Licensing Act 2003
- Holders of existing premises licences and club premises certificates issued by the Licensing Authority
- Representatives of residents associations in the area
- East Herts Councillors
- Town Councils
- Parish Councils
- Town Centre Management Boards
- Community Voice
- Youth Council
- Hertfordshire County Council
- British transport police
- Public transport providers
- Neighbouring Local Authorities
- Licensed Victuallers Association
- Chamber of Commerce

- Local Pubwatch groups
- Local Community Safety Partnership
- Hertfordshire Environmental Forum
- Hertfordshire Local Enterprise Partnership (LEP)
- Federation of Small Businesses
- Solicitors and agents that have previously submitted applications
- Spectrum Drug & Alcohol Services
- East Herts Licensed Taxi Trade
- Community Safety Partnership (CSP)
- Safety Advisory Group (SAG)

Appendix 2 - Glossary of Terms

These definitions are provided to aid understanding of the policy by residents and applicants. They do not replace the meaning given to the terms in the Act or the statutory guidance. Reference should therefore be made to these publications to clarify any of these terms for legal purposes.

Alcohol includes spirits, wine, beer, cider, or any other fermented, distilled, or spirituous liquor of or exceeding 0.5% alcoholic strength at the time of sale.

Club Premises or Qualifying Clubs can supply alcohol to members or guests and can provide regulated entertainment. These clubs must comply with general and specific conditions in relation to size, membership and the nature of their operations.

Designated Premises Supervisor (DPS) is a personal licence holder who is specified on the premises licence so that it can authorise the sale of alcohol. This may be any person with a personal licence.

Guidance means the guidance to Licensing authorities published by the Secretary of state under section 182 of the Licensing Act 2003.

Licensing Authority means East Herts Council.

Licensing Committee is a committee of 10 to 15 councillors, appointed by the Council.

Licensing Sub-Committee is a committee of at least two but usually three councillors, appointed from the licensing committee to whom the functions of the licensing committee can be delegated under the Act.

Personal Licence - permits individuals to supply, or to authorise the supply of alcohol. The licensing of individuals separately from the licensing of premises allows the movement of personal licence holders from one premise to another, allowing greater flexibility. It ends the outdated regime where publicans are tied by licence to the premises they manage.

Regulated Entertainment is entertainment that is provided to the public, or exclusively to members of a qualifying club and their guests, or entertainment provided for profit/personal gain.

Representations are objections or comments, against an application and can be made by responsible authorities (e.g. police) or other persons (e.g. residents). They must be made in writing and will only be relevant if they relate to the likely effect of the grant of the licence on the promotion if at least one of the licensing objectives. Representations by other parties will not be relevant if they are considered by the licensing authority to be frivolous (i.e. not serious) or vexatious (i.e. arising out of unrelated disputes).

Temporary Events Notice, used for relatively small-scale events held in or on any premises involving licensable activity and no more than 499 people at any one time (including staff & performers).

“the Act” means the Licensing Act 2003.

Appendix 3 – Useful resources

The links below were accurate at the time of publication of the Policy

Age verification

No ID No Sale campaign - www.noidnosale.org

Alcohol awareness

Drinkaware - www.drinkaware.co.uk

Alcohol promotions

Code of Practice of the Naming, Packaging and Promotion of Alcoholic Drinks (Portman Group) - www.portmangroup.org.uk

Child sexual exploitation

Operation HALO (Hertfordshire Constabulary) - <https://www.herts.police.uk/Information-and-services/Advice/Child-sexual-exploitation/Halo>

Say Something If You See Something resources (Hertfordshire Safeguarding Children's Board) - www.hertsdirect.org/services/healthsoc/childfam/childprotection/hertssafboard/childexplo/

Counter-terrorism

Protecting Crowded Places from Terrorism (National Counter-Terrorism Security Office) - www.gov.uk/government/collections/crowded-places

Crowd safety

Managing Crowds Safely: a guide for organisers at events and venues (HSE Publications) - www.hse.gov.uk

Film classification

Classification guidelines (British Board of Film Classification) - www.bbfc.co.uk

Fire safety

Fire safety advice documents (Department for Communities and Local Government) - www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents

Hertfordshire Fire & Rescue Service - [Guidance for Event Organisers - Fire Protection \(hertfordshire.gov.uk\)](http://www.hertfordshire.gov.uk/Guidance-for-Event-Organisers-Fire-Protection)

Modern Slavery

- The Modern Slavery Helpline (0800 0121 700) can provide support to anyone who has a suspicion and would like some guidance on next steps, 24 hours a day.
- Blueprint training (<http://www.shivafoundation.org.uk/blueprint/training/>)
- Indicator list (http://www.shivafoundation.org.uk/blueprintdocs/18_SF_SSB_Sec05_Indicator-List.pdf)
- Example policies (<http://www.shivafoundation.org.uk/blueprint/policies-and-practices/>)

Noise control

Guidelines on Community Noise (World Health Organisation) - www.who.int

Effective Management of Noise from Licensed Premises (British Beer and Pub Association) –

www.beerandpub.com

Code of Practice on Environmental Noise Control at Concerts (Noise Council) –

www.cieh.org

Outdoor events

The Purple Guide to Health, Safety and Welfare at music and other events - www.thepurpleguide.co.uk (subscription required)

The 'Can Do' guide to Organising a Voluntary Event (Cabinet Office) - www.gov.uk/government/publications/can-do-guide-for-organisers-of-voluntary-events

East Herts Safety Advisory Group (SAG) -

<https://www.eastherts.gov.uk/community-wellbeing/community-events>

Revised guidance issued under section 182 of the Licensing Act 2003 -

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Security and CCTV

Security Industry Authority website - www.sia.homeoffice.gov.uk

Surveillance Camera Code of Practice (Surveillance Camera Commissioner) - www.gov.uk/government/publications/surveillance-camera-code-of-practice

Appendix 4 – Contact details

Licensing
East Herts Council
Wallfields
Pegs Lane
Hertford
Hertfordshire
SG13 8EQ

Phone:
01279 655261

Emails:
(General enquiry): community.protection@eastherts.gov.uk
(Complaint): licensing.enforcement@eastherts.gov.uk

Website:
www.eastherts.gov.uk

Many applications can be made online by following the links on the relevant webpages: <https://www.eastherts.gov.uk/licences-registration/alcohol-entertainment-late-night-refreshment>

Please note that, due to the complexity of the legislation that governs these activities, we can only give basic advice about which activities do and do not require authorisation, and about application processes.

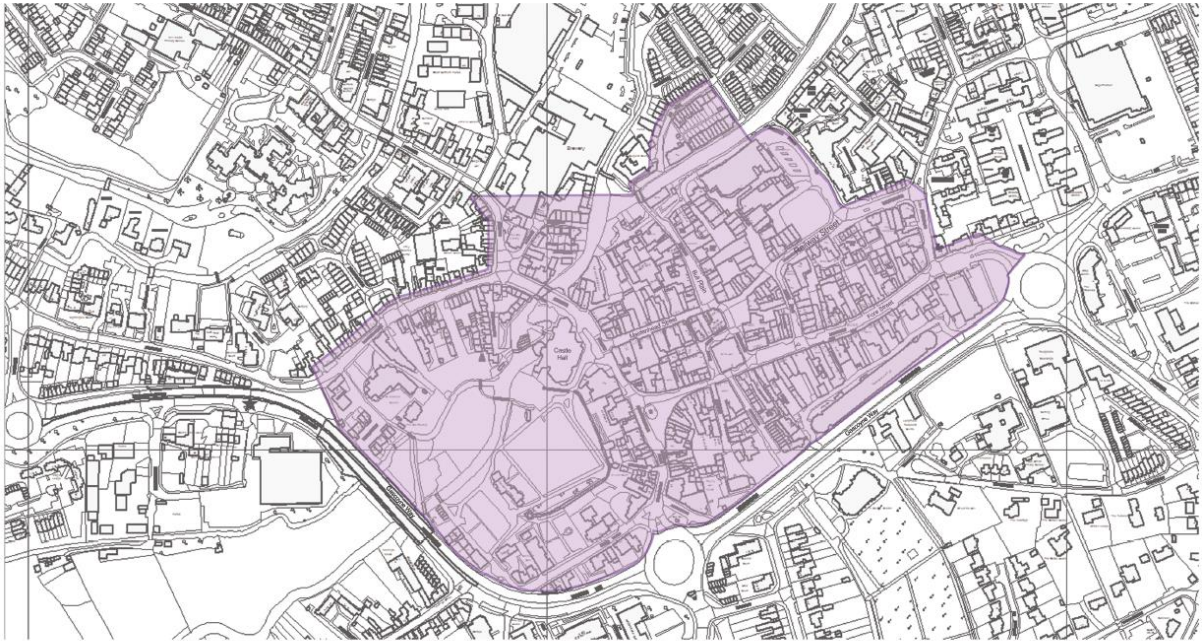
If you are unsure as to the legality of a particular activity, or require more detailed information or advice than we are able to offer, we recommend that you consult an independent specialist advisor or a legal representative.

Responsible authority contact details:
https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/Responsbile_Authorities.pdf

Appendix 5 – Town Centres

Below are maps showing the location for the ‘Town Centres’ as defined within this Policy. If you are unsure whether your premises or application will fall within any of these areas or the implications if it does then please contact the Licensing Team for confirmation.

Hertford Town Centre (Sensitive Licensing Area)



East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 855261



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Bishop's Stortford Town Centre



East Herts Council
Wallfields
Pegs Lane
Hortford
SG13 8EQ
Tel: 01279 655261

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Ware Town Centre



East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

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Sawbridgeworth Town Centre



East Herts Council
Wellfields
Pegs Lane
Hertford
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