



Draft Licensing Policy Statement

Thurrock Council resolved this Policy on the (*enter date*) in accordance with our obligations under the Licensing Act 2003. The policy commences on the first appointed day to be set by Government.

Reference documents

- A. Licensing Act guidance by the Secretary of State
- B. Community Plan
- C. Existing UDP
- D. Thurrock Unitary Development Plan, on deposit 28th March 2003
- E. Crime and Disorder Reduction (strategy and plan) March 2002
- F. Involvement And Consultation Strategy, August 2002
- G. Cultural Strategy
- H. Local Transport Plan
- I. Race Relations Act 1976
- J. Child Protection Policy
- K. H&S Enforcement Strategy

Licensing Act 2003

This policy was resolved by Thurrock Council to meet our obligations under the Licensing Act 2003 (LA03). The purpose of the policy is to promote the following licensing objectives:

- **Prevention of crime and disorder**
- **Public safety**
- **Prevention of public nuisance**
- **Protection of children from harm**

Preamble

The Borough of Thurrock lies on the River Thames just to the East of London. With over 18 miles of riverfront it covers an area of 64 square miles, with more than half as Green Belt. With Greater London to the West and the river to the South, the County of Essex to the North and East forms the other borders.

With a population of about 136,000 people living in 58,700 homes, Thurrock has a wide - ranging and diverse economy. Much of the population and commercial activity is centred along the riverfront. This includes many large and important industrial sites, including two large oil refineries and manufacturing industries, Thurrock is also home to the Lakeside Shopping Centre. With over 300 shops under one roof, this is one of the largest retail attractions in Europe.

Despite so much of the borough being environmentally protected Green Belt land, Thurrock provides great opportunities for further industrial and commercial development. The borough is a major part of the Thames Gateway area, a corridor of opportunity that has been identified by central government as the area with greatest development and commercial potential in the country.

Being both on the river and right next to London, Thurrock is served with excellent communication links both by rail and road. The M25 London Orbital Motorway, the local railway line providing direct access to Central London, the Port of Tilbury and the City of London Airport making Thurrock an important national and international centre.

The Borough has a number of main settlements including Grays, Stanford-le-Hope / Corringham, South Ockendon and Tilbury, together with a number of villages. Lakeside regional shopping centre and the developing community of Chafford Hundred are located west of Grays and east of the M25.

This document sets out Thurrock's Licensing Policy, which will guide the Council when considering licence applications. This document should be read in conjunction with the Council's licensing guidance notes and application procedures.

The aim of the policy is to ensure the prevention of crime and disorder and public nuisance whilst maintaining public safety and the protection of children from harm. Thurrock Council recognises the importance of the entertainment and cultural sector on the local economy and this policy seeks to balance the needs of local residents, the wider community and the entertainment industry.

The policy provides guidance to applicants, objectors and residents on the general approach the Council will take in terms of licensing. Although each application will be considered on its merits the Council, in adopting the licensing policy, is providing clear guidance and the burden of proof will rest with the applicant to show that an exception should be made to the general policy.

Although every application will be considered on its own merits the Council is bound to have regard to this Policy

STATEMENT OF LICENSING POLICY (Consultation draft)

1.0 INTRODUCTION

1.1 Thurrock Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

1.2 The 2003 Act requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

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

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

1.4 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and has been drafted in partnership with the Essex Joint Licensing Officers' Forum. The policy also seeks to integrate with other local and statutory reference documents, listed in the preamble. The Essex Chief Executives' Association's Crime and Disorder Steering Group will maintain a strategic overview of issues associated with licences issued under the Licensing Act 2003.

1.5 The bold sections of this Policy indicate the outcomes the Council is seeking to achieve. When assessing applications, the Council must be satisfied that the measures proposed in the applicant's operating schedule will achieve the required outcome. Bold type also refers to matters that the Council expects to see addressed in the applicant's operating schedule, where appropriate. Passages of text that are not in bold are provided to assist applicants to understand what the Council is seeking to achieve, the factors that influence the achievement of that outcome and the control measures that could be implemented by the applicant to achieve that outcome.

1.6 However, it should be recognised that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, sporting venues, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate.

1.7 In respect of each of the four licensing objectives, applicants will need to provide evidence to the Council that suitable and sufficient measures, as

detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events. Reference will need to be made to whether additional measures will be taken on an occasional or specific basis such as when a special event or promotion is planned, which is intended to, or likely to attract, larger audiences.

- 1.8 **When considering applications, the Council will have regard to this policy, Central Government guidance issued under Section 182 of the Licensing Act 2003, the Licensing Act 2003 generally, and the licensing objectives more specifically, and any supporting regulations. It will also seek proper integration with local crime prevention, planning, transport and cultural strategies.** To this end, the Licensing Committee will, as necessary, provide reports to the planning committee on the situation regarding licensed premises in the area and arrangements will be made for the Licensing Committee to receive reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in their considerations. The Licensing Committee will also, as necessary, be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.
- 1.9 **This does not however undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.**
- 1.10 **Applicants and those making valid representation in respect of applications to the Council have a right of appeal to the Magistrates' Court against the decisions of the Council.**
- 1.11 **Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act. Where relevant representations are made, the Council will seek to make objective judgements as to whether conditions may need to be attached to a licence, certificate or permission to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.**
- 1.12 When considering any conditions, the Council acknowledges that the licensing function cannot be used for the general control of the anti-social behaviour of individuals once they are beyond the direct control of the licensee of any premises concerned. However, other mechanisms may be utilised, where appropriate, to tackle unruly or unlawful behaviour of consumers when beyond the control of premises management. These include:

- partnership working with the Essex Police and Thurrock Crime and Disorder Reduction Partnership to promote enforcement of the law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices
- powers to designate parts of the area as places where alcohol may not be consumed publicly
- partnership working with businesses, transport operators and other parts of the Council to create a safe and clean environment
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol from adults and children in designated areas
- police powers to close down instantly for up to 24 hours any licensed premises or temporary events on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question

- 1.13 Further, when the Council is considering any application, it will avoid duplication with other regulatory regimes, so far as possible, and does not intend to use the licensing regime to achieve outcomes that can be achieved by other legislation. In particular, its licensing functions will be discharged separately from its functions as the local planning authority. However, the Council would normally expect that prior to the submission of a licensing application the appropriate planning permission will have been granted in respect of any premises and that any operating hours sought do not exceed those, if any, authorised by the planning consent. Other permissions may be applicable to licensed premises and applicants are expected to ensure that such permissions are obtained where necessary.
- 1.14 With the exception of the approval and review of its Licensing Policy, decisions on licensing matters will be taken in accordance with the Councils approved scheme of delegation aimed at underlining the principles of timely, efficient and effective decision-making. Typically applications which are not contested will be granted by officers and contested applications will be considered by a Sub Committee of 3 Members.
- 1.15 Nothing in this policy will seek to limit the number of licensed premises on the basis that there are already sufficient to satisfy demand. However the Council is aware of the cumulative impact that can occur from a concentration of licensed premises in a particular area as a result of the increased number of people walking through or congregating in streets during the night.** Such impact can include an increase in crime, an increase in noise and other disturbance to residents, parking difficulties and general traffic congestion and an increase in littering or fouling. In such cases the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises. In creating this Policy the Council concluded that strict rules on cumulative impact was no appropriate due to the characteristics and nature of the area however the Council will introduce such a policy if necessary.

Advice and Guidance

- 1.16 The Council recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Council, Essex Police and/or Essex County Fire and Rescue Service will offer as much advice and guidance to applicants, as resources permit.
- 1.17 It is expected that organisers of large outdoor events will discuss their proposals well ahead of a formal application and as a guide the Council would expect a minimum of 90 days. Similarly many Temporary Event notices may require longer periods for the Police to correctly consider the notice.
- 1.18 The Council will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the Council and those from who they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.
- 1.19 Appendix A provides details of various organisations, trade associations and reference literature that an applicant may find useful in preparing an operating schedule and running a safe premises/event.

Policy Consultation

- 1.20 There are a number of groups who have a stake in the leisure industry, including providers, customers, residents and enforcers, all of whom have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 1.21 In developing this Policy Statement, the Council consulted widely, adopting a consultation strategy resolved by the Licensing Committee. Along with the statutory consultees (the Chief Police Officer for the District and the Essex County Fire and Rescue Service), the views of existing licence holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.
- 1.22 This Policy Statement takes effect on the **1 July 2004** and will remain in force for a period of not more than 3 years.

Application Process

- 1.23 The application process, as specified by the Act and Regulations is outlined in Appendix B.

Licence Reviews

- 1.24 Where possible and appropriate the Council, Essex Police and/or Essex Fire Service will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.
- 1.25 Irrelevant, vexatious and frivolous representations cannot be accepted. The Act does also not allow “repetitive” reviews and the Council consider that no more than one review will be normally permitted with any 12 month period on similar grounds except in exceptional and compelling circumstances or where it arises following a closure order. The Council consider that a repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in respect of the same premises licence which has already been determined or
 - representations considered by the licensing authority when the premises licence was first granted or
 - identical or substantially similar to representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement
- 1.26 Responsible authorities, residents or businesses in the vicinity can trigger a review of a premises licence based on any of the licensing objectives. Any person or body requesting such a review will be required to provide evidence which will need to be presented to the licensing Committee.

Transition Period and ‘Grandfather Rights’

- 1.27 The Government has allowed for a transitional period where applications can be made for a Premises Licence, Personal License and Club Premises Certificate. Variation of converted Premises Licences and Club Premises Certificates can also be sort at this time.
- 1.28 A “like for like” application is deemed as a “Grandfather rights” application and unless there are exceptional circumstances will be granted automatically on receipt of the relevant information.
- 1.29 During this period the Council are committed to consider all applications within 2 months. Any licences converted will lie dormant until the second appointed day. On this day all licences under the old regime will cease to be valid and venues will continue trading using their new licences.

Enforcement

- 1.30 The Council delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a ‘level playing field’ on which businesses can fairly trade. The administration and enforcement of the licensing regime is one of these services. The Council has adopted the Government’s Enforcement Concordat designed to ensure effective and efficient public protection services. Specifically, the Council is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

- 1.31 The Enforcement Concordat is based on the principles that businesses should:
- receive clear explanations from enforcers of what they need to do and by when;
 - have opportunities to resolve differences before enforcement action is taken - unless immediate action is needed;
 - receive an explanation of their rights of appeal
- 1.32 **The Council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law. The Council has set clear standards of service and performance that the public and businesses can expect. In particular, a licensing enforcement policy will be created that explains how the Council will undertake its role as Licensing Authority and how the principles of effective enforcement will be achieved. This policy will be freely available from the Council as are details of the Council's corporate complaints procedures.**
- 1.33 **The Council will establish protocols with Essex Police, Essex County Fire and Rescue Service and (Essex County Council) Trading Standards on enforcement issues. These protocols will provide for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are well operated.**
- 1.34 **The principle of using a scoring scheme based on risk factors will normally prevail and proactive inspections will usually be undertaken in accordance with a priority inspection scheme. This should ensure that resources are more effectively allocated to higher risk or 'problem premises'.**

2.0 LICENSING OBJECTIVES

- 2.1 The following sections set out the Council's Policy relating specifically to the four licensing objectives:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 2.2 In each section relating to the objectives, the Council has defined its intended outcome (in bold type). Each section then lists the influencing factors on the achievement of that objective but, because of the wide variety of premises and activities to which this policy applies, the lists provided are not exhaustive. **Applicants should know their premises best and will be expected to address all aspects relevant to the individual style and characteristics of their premises and events.**
- 2.3 Further, in each section, a list of possible control measures is provided, to be of assistance to applicants, but again is not intended to be an exhaustive list. Many

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

- 2.4 The selection of control measures, referred to in 2.3 above, should be based upon a risk assessment of the premises, events, activities and the customers expected to attend (e.g. their age, number, etc.). Whilst the Council may not require such risk assessments to be documented, (other than where required by other legislation), it considers such documentation to be good practice and a useful tool in the instruction and training of staff, as well as a sound basis for review by the licence holder, in the event of requiring to make application for variation or in response to changing circumstances/conditions at the premises.
- 2.5 Additional measures may be necessary on an occasional or specific basis such as when a special event (e.g. popular live band) or promotion (e.g. during major sporting occasions) is planned, which is intended to, or likely to attract larger audiences and/or audiences of a different nature, and which can have a significant impact on the achievement of the licensing objectives. **Reference must be made in an applicant's operating schedule, where applicable, to such occasions and the additional measures that are planned in order to achieve the licensing objectives.**
- 2.6 **The Council considers the effective and responsible management of the premises, instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of all the licensing objectives. For this reason, these elements should be specifically considered and addressed within an applicant's operating schedule.**
- 2.7 **In addition, the occupancy capacity for premises, and events as appropriate, is also considered to be an essential factor in the achievement of the four licensing objectives, (except in respect of premises licensed for the consumption of food and/or alcohol off the premises). The Council will expect the issue of occupancy capacity to be considered and addressed within an applicant's operating schedule and, in most instances, will agree a maximum occupancy capacity, based on the applicant's assessment within their operating schedule.**
- 2.8 The design and layout of premises are important in determining capacity, as is the availability and size of exits within recommended travel distances. Other factors should also be considered when assessing the appropriate capacity for premises or events. These include:
- the nature of the premises or event
 - the nature of the licensable activities being provided
 - the provision or removal of such items as temporary structures, such as a stage, or furniture
 - the number of staff available to supervise customers both ordinarily and in the event of an emergency
 - the age of the customers
 - the attendance by customers with disabilities, or whose first language is not English
 - availability of suitable and sufficient sanitary accommodation

- nature and provision of facilities for ventilation

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

2.10 The closing time of licensed premises can have a significant impact on the neighbourhood. It is a critical factor in meeting one or more of the licensing objectives and the Council consider that the following opening times are appropriate for the Borough:

Venues within residential areas

| | |
|-----------------------|-------------------------|
| (Sunday – Thursday) | 10.00 - 23.00hrs |
| (Friday and Saturday) | 10.00 - midnight |

Venues within Town centre with some residential

| | |
|---------------------|-------------------------|
| (Monday – Saturday) | 10.00 - midnight |
| (Sunday) | 10.00 - 23.00hrs |

Venues with no residential or remote areas

No restriction

Shops

Trading hours

3.0 PREVENTION OF CRIME AND DISORDER

3.1 **Thurrock Council is committed to further improving the quality of life for the people of Thurrock by continuing to reduce crime and the fear of crime.**

3.2 **Section 17 of the Crime and Disorder Act 1998 introduced a wide range of measures for preventing crime and disorder and imposed a duty on Thurrock Council, Essex Police, and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty for local authorities.**

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

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

- Underage drinking
- Drunkenness on premises
- Public drunkenness
- Drugs
- Violent behaviour
- Anti-social behaviour

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

- Effective and responsible management of premises
- Training and supervision of staff
- Adoption of best practice guidance (e.g. Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA, Security in Design published by BBPA and Drugs and Pubs, published by BBPA)
- Acceptance of accredited 'proof of age' cards e.g. PASS, locally approved 'proof of age' cards e.g. 'Prove It' and/or 'new type' driving licences with photographs
- Provision of effective CCTV in and around premises
- Employment of Security Industry Authority licensed Doorstaff
- Provision of toughened or plastic glassware
- Provision of secure, deposit boxes for confiscated items ('sin bins')
- Provision of litterbins and other security measures, such as lighting, outside premises
- Membership of recognised trade bodies

3.6 Within the operating schedule for premises from which alcohol will be sold, a Premises Supervisor must be designated ('Designated Premises Supervisor' DPS). **The Council will normally expect the DPS to have been given the day to day responsibility for running the premises by the premises licence holder, and, as such, would normally be present on the licensed premises on a regular basis. In addition to the DPS holding a personal licence, the Council will normally expect the DPS to have additional training and experience commensurate with the nature and style of entertainment provided and the capacity of the premises.**

3.7 Certain temporary events are not required to be licensed but can be notified to the Council using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the Council to work with them to identify and reduce the risk of crime and disorder.

4.0 PUBLIC SAFETY

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

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

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

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

- **Suitable and sufficient risk assessments**
- **Effective and responsible management of premises**
- **Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons**
- **Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and patrons**
- **Adoption of best practice guidance**
- **Provision of effective CCTV in and around premises**
- **Provision of toughened or plastic glasses**
- **Implementation of crowd management measures**
- **Proof of regular testing (and certification where appropriate) of procedures, appliances, systems etc. pertinent to safety**

5.0 PREVENTION OF PUBLIC NUISANCE

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

- 5.2 The Council intends to interpret “public nuisance” in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.
- 5.3 Applicants need to be clear that the Council will normally operate stricter conditions, including controls on licensing hours, where licensed premises are in residential areas. Conversely, premises for which it can be demonstrated have effective measures planned to prevent public nuisance, may be suitable for 24-hour opening.
- 5.4 In the case of shops, stores and supermarkets selling alcohol, the Council will normally permit the hours during which alcohol is sold to match the normal trading hours during which other sales take place, unless there are exceptional reasons relating to disturbance or disorder.
- 5.5 Applicants will be expected to demonstrate in their operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance, relevant to the individual style and characteristics of their premises and events.**
- 5.6 When addressing the issue of prevention of public nuisance, the applicant must demonstrate that those factors that impact on the likelihood of public nuisance have been considered. These may include:**
- **the location of premises and proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship**
 - **the hours of operation, particularly between 23.00 and 07.00**
 - **the nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises**
 - **the design and layout of premises and in particular the presence of noise limiting features**
 - **the occupancy capacity of the premises**
 - **the availability of public transport**
 - **‘wind down period’ between the end of the licensable activities and closure of the premises**
 - **last admission time**
- 5.7 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:**
- **Effective and responsible management of premises**
 - **Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance, e.g. to ensure customers leave quietly**
 - **Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries**
 - **Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics)**

- **Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices**
- **Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises**
- **Liaison with public transport providers**
- **Siting of external lighting, including security lighting**
- **Management arrangements for collection and disposal of litter**
- **Effective ventilation systems to prevent nuisance from odour**

6.0 PROTECTION OF CHILDREN FROM HARM

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

6.2 The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure. Clearly this relaxation places additional responsibilities upon licence holders. However, it is also recognised that parents and adults accompanying children also have responsibilities.

6.3 The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, or transmission of programmes or videos, this includes the protection of children from exposure to strong language and sexual expletives. In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

6.4 The Council considers that, on the one hand, there should be no presumption of giving children access or, on the other hand, no presumption of preventing their access to licensed premises. **The Council has no intention of imposing conditions requiring the admission of children and where no licensing restriction is necessary, admission of children will remain entirely a matter for the discretion of the individual licensee or club.**

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

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

- **purchase, acquire or consume alcohol**
- **be exposed to drugs, drug taking or drug dealing**

- **be exposed to gambling**
- **be exposed to activities of an adult or sexual nature**
- **be exposed to incidents of violence or disorder**
- **be exposed to special hazards such as falls from height**

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

- Effective and responsible management of premises
- Provision of a sufficient number of people employed or engaged to secure the protection of children from harm
- Appropriate instruction, training and supervision of those employed or engaged to secure the protection of children from harm
- Adoption of best practice guidance (Public Places Charter)
- Limitations on the hours when children may be present, in all or parts of the premises
- Limitations or exclusions by age when certain activities are taking place
- Imposition of requirements for children to be accompanied by an adult
- Acceptance of accredited 'proof of age' cards and/or 'new type' driving licences with photographs

6.8 In the case of film exhibitions, the Council will expect licensees to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Council. In the case of a film exhibition that has not been classified, the Council will expect the licensee to conduct an assessment of the suitability of the film for exhibition to children and to implement measures that restrict viewing by children if necessary.

6.9 Where regulated entertainment is provided the Council will require the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises. Where children are present as performers, the Council will normally require an adequate number of adult staff to be responsible for the child performers.

6.10 The Council will rarely impose complete bans on access to children. In exceptional circumstances conditions restricting access or excluding children completely may be considered necessary.

Contacts

To be added

Application Process

To be added



Summary of Licensing Policy Consultation Process

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1.0 PURPOSE

1.1 The purpose is to ensure that the Council is aware of all relevant issues and acts in an effective manner when receiving comments from residents, trade and Agencies etc. Separate arrangements will be made for comments from Elected Members.

1.2 Consultation is seen as an essential part of the development and adoption of the Local Licensing Policy Statement. Provisions of the Licensing Act 2003 and Secretary of State's guidance govern how this is to be undertaken. Whilst it is our intention to consult as widely as possible, it is recognised that is sometimes difficult to identify persons or bodies representative for all parts of industry affected by the new licensing system. Licensing authorities must nevertheless make reasonable efforts to identify the persons or bodies concerned.

1.3 It is important that if the Council's Licensing Policy is challenged that we can demonstrate, and evidence, that correct procedures were carried out and account was taken of all consultation responses.

2.0 PUBLICITY

2.1 Whilst the Council accepts that the consultation is mandatory, it is also important that we engage in a meaningful exercise. We must therefore ensure that we identify all appropriate consultees and make sure that:

- they are provided with or have access too the draft policy
- they are given time for consideration of the policy
- they are given the opportunity to make representations, and
- we give serious consideration to any such representations

2.2 The law requires that before determining its policy the Council must consult the persons listed in section 5(3) of the 2003 Act. These are:

- the chief officer of police for the area
- the fire authority
- persons/bodies representative of local holders of premises licences
- persons/bodies representative of local holders of club premises certificates
- persons/bodies representative of local holders of personal licences

- persons/bodies representative of businesses and residents in its area

2.3 Licensing authorities must also accord with paragraph 29 of Part 4 of Schedule 8 to the 2003 Act, which provides that prior to making its first statement of policy, the authority must consult bodies representative of current licence holders before determining their statement. Current licence holders include those holding:

- Justices' licences (off - and on-licences)
- Canteen licences issued under the terms of the Licensing Act 1964
- Licences issued under the Private Places of Entertainment (Licensing) Act 1967
- Licences issued under the Theatres Act 1968
- Licences issued under the Late Night Refreshment Houses Act 1969
- Licences issued under Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (licensing of public entertainments outside Greater London)
- Licences issued under section 1 of the Cinemas Act 1985

2.4 The Council will seek to reach the above individuals and interest groups mainly through mail shots. Specimens of letters that will be sent out to the different parties (listed in Attachment 1) appear in Attachments 2,3 and 4.

2.5 Additionally the Council will seek to direct people's attention to the draft policy and their ability to engage in the consultation process by putting out a press release following the Licensing Committee meeting on 3rd February and by advertising in a local newspaper (Thurrock Gazette).

2.6 Copies of the draft policy and feedback forms will be made freely available on request. Telephone enquiries received by the Directorate's call centre will be directed to the procedure for making representations.

2.7 We plan to use the facility for consultations on the Council's web site www.thurrock.gov.uk. A link on the Home page will lead to a page showing the Foreword of the consultation document, with a further link to the full the Licensing policy document in PDF format. We intend to extend this to make an email feedback form available. A new corporate e-mail address will be established for this purpose (licensing@thurrock.gov.uk) to be ready for the receipt of responses to the draft Licensing Policy i.e. from 4th Feb onwards. Access to the inbox will be restricted to Chris Church, Phil Eastal and the EHOs & Licensing Officers in the Safety, Licensing and Nuisance Control Team.

2.8 Awareness of the draft Licensing Policy will be raised at the Licensees open meeting planned for 26th February 2004 and at any other similar opportunities as may arise.

3.0 SCOPE

3.1 This procedure shall be employed throughout the consultation period from the 4 Feb 2004 to 17 Mar 2004 and through to resolution of our Licensing Policy (planned date 28 April 2004). A list of consultees is provided in Attachment 1, standard letters in Attachments 2 to 5 and a project Gantt chart in Attachment 6.

4.0 STAFF RESPONSIBILITIES

4.1 For the Licensing Policy to be effective it is essential that the Council receive feedback from all parties involved in the licensing process. As with any other service industry the face of Thurrock Council is the member of staff dealing with the respondent and first impressions are vitally important. It is the responsibility of the member of staff in contact with the consultee to ensure that they provide sufficient information and advice the consultee on the process.

4.2 This information needs to be accurately recorded onto the Consultation Feedback Spreadsheet as detailed below.

4.3 The lead Officers for Thurrock Council are Phil Easteal and Chris Church.

5.0 REQUIREMENTS

5.1 Receipt

5.1.1 Consultation feedback will only be accepted in writing. On receipt of a consultation the member of staff should complete one of the following:

5.1.2 ONLINE or EMAIL: Member of staff to enter onto Consultation feedback spreadsheet, adding ref number and filing hard copy.

5.1.3 LETTERS: Member of staff to enter onto Consultation feedback spreadsheet, adding ref number and filing. Acknowledge receipt by return of post (see Attachment 6).

Every response will receive an acknowledgement (Attachment 6).

5.2 Recording

5.1.1 All feedback is to be entered onto the consultation feedback spreadsheet as follows.

| | |
|-------------------------|--|
| Column 1 - Ref: | Write this number on top right corner of file copy |
| Column 2 - Category: | Either Resident, Licensee, Business, Agency or Other |
| Column 3 - Name: | For Resident = Surname, Business Name or Agency |
| Column 4 - Area: | Assembly Area (Central, NE, W or S) |
| Column 5 - Type: | Positive, negative or neutral |
| Column 6 - Observation: | Summary of key points |
| Column 7 - Impact: | Completed by <i>LGS.uk</i> |

5.3 Consideration of feedback

5.3.1 The Council is required to consider the opinions of all these persons/bodies listed in section 5(3) of the 2003 Act. These views should be given appropriate weight when the policy is determined. LGS.uk in liaison with the Council's lead officers will be responsible for conducting this exercise using the recording system stated above.

5.3.2 A summary of these observations and their effect in any proposed amendments to the draft policy will be reported by the Head of Regulation to

the Portfolio member and the Licensing Committee. Final approval of the licensing policy statement will then follow.

6.0 RECORDS

6.1 All records are to be retained for the life of the policy, a period of 3 years.

7.0 ATTACHMENTS

1. Planned Consultees
2. Consultation letter – Licensees)
3. Consultation letter – Others)
4. Consultation letter – Late night refreshment) Not contained in this
Appendix
5. Consultation – Feedback form)
6. Consultation acknowledgement)
7. Project Gantt chart)

Planned Consultees**Licensing Committee and all Thurrock Councillors****Thurrock Council - Area Assemblies and Forums**

| | |
|--|--|
| North East Orsett , Corringham & Fobbing , Corringham West , SLH (East) , SLH (West) , Homesteads | West Aveley , Belhus , Ockendon , West Thurrock , Chafford Hundred |
| Central Grays Riverside , Grays Thurrock , Little Thurrock Blackshots , Little Thurrock Rectory , Stifford | South Chadwell St Mary , East Tilbury , Tilbury Riverside , Tilbury St Chads |

Responsible Authorities**Police****Fire****Thurrock Child Protection Committee****Existing Licensees**

In addition to the Local Licensing Group (LLG) the Council will consult with all existing licence holders as listed in the Consolidated Licensees List. All existing licence holders will be invited to a breakfast meeting on 26 February to explain the new law.

A copy of the draft letter is shown in Attachment 2.

Others

The following organisations/groups will also receive a copy of the draft policy together with a copy of the draft letter shown in Attachment 3.

Thurrock Chamber of Trade
Lakeside Merchants Assn
Thurrock SLH Club Committee
Crime & Disorder leadership meeting
D.A.T.
SW Essex Division Bench
National Association of Local Government Arts Officers (NALGAO)
National Trade Representatives BII, BBPA, LVA, Fed of small businesses, Nat Pub Chains, BEDA, BISL, ALMR, CEA, CORCA and the Local Musician Union
TRAG, Thurrock CVS
Neighbouring Local Authorities
British Transport Police
PCT

Late night take aways

All late night take aways will receive a copy of the draft letter shown as Attachment 4 together with an invite to the breakfast presentation.

