



**Canterbury City Council**

# **Licensing Act 2003**

**Policy Statement**

**Adopted at Council Meeting on 22 February 2022**

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## 1.0 Introduction

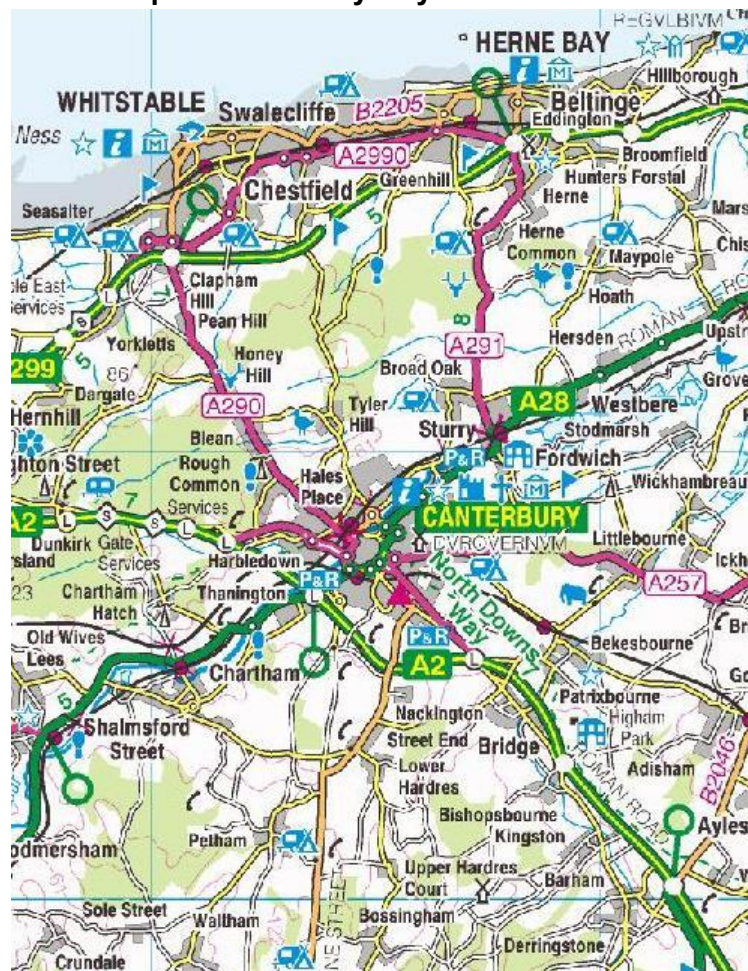
1.1 Canterbury City Council is situated in the County of Kent, which contains 12 district councils and one unitary authority in total.

The council area has a population of 158,000 (ONS 2014) making it one of the largest in the county in terms of population. In terms of area it is also one of the largest, covering 31,056 hectares. The council area is rural with a central city and two coastal towns. There are also a number of larger villages and other smaller rural settlements. The area is a major tourist attraction and a world heritage site and has four universities in the City of Canterbury.

It is vital that the council balances the numerous competing demands on the facilities it is responsible for, in a fair and open way and endeavours to enhance the attributes of a very popular area by providing venues / opportunities for businesses, events, markets, concessions, street trading, charitable collections, busking etc.

The three urban areas, the rural villages and settlements are shown on the map here.

**Map of Canterbury City Council District**



1.2 This policy outlines

- the requirements of the Licensing Act 2003 (the Act)
- guidance to new applicants, existing licence holders, consultees, residents and councillors as to how the local authority will administer and enforce the requirements of the Act.

This policy will be reviewed on a regular basis, with a full review at least once every five years, as required by the Licensing Act 2003. Policy adopted on 16 December 2021.

In preparation and publication of this policy, the following will have been consulted:

- Kent Police
- Kent Fire and Rescue Services
- Environmental Health
- Planning Authority
- All Kent's Licensing Authority
- Health and Safety Executive
- Child Protection Agency
- Primary Care Trust
- Kent Trading Standards Department
- Licence holders
- Relevant trade associations
- Residents groups / associations
- Public.

### 1.3 Equality Act 2010

The council has an Equality and Diversity Policy on its website. The policy statement reads:

The council recognises that the diversity of our communities is a huge asset that should be valued and seen as one of the district's great strengths.

As one of the largest employers in the Canterbury district and one of the main providers of local services, the council is committed to providing equality of opportunity and tackling discrimination, harassment and disadvantage. We are also committed to achieving the highest standards in service delivery, decision-making and employment practice. Equality of opportunity for all sections of the community and our workforce is an integral part of this commitment.

Canterbury City Council will not tolerate less favourable treatment of anyone on the grounds of their gender, age, race, colour, nationality, ethnic or national origin, disability, marital or civil partnership status, pregnancy or maternity status, sexual orientation, gender reassignment status, responsibility for dependents, religious or other beliefs, socio-economic status, or any other reason which cannot be shown to be justified.

The licensing authority will consider its obligations under the Section 149(1) of the Equality Act 2010 and expects applicants to consider issues such as accessibility and provision of toilet facilities when submitting their application.

An equalities impact assessment has been completed.

## **2.0 Policy Statement**

- 2.1 The ethos of the Act is for 'light touch' legislation with a presumption of grant. The objective of licensing authority is to promote this ethos whilst maintaining appropriate control of premises and licence holders.

Canterbury City Council is the licensing authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates and personal licences in the district for the sale and / or supply of alcohol. The authority also processes temporary event notices and licences for regulated entertainment, late night refreshment and sexual entertainment venues. This is the council's statement of licensing policy as adopted by Canterbury City Council on 16 December 2021.

This 'statement of licensing policy' has been prepared in accordance with the Licensing Act 2003 and the 'Guidance' issued by the Home Office under Section 182 of the 2003 Act. Under Section 5 of the Act, as amended, the licensing authority will publish a statement of its licensing policy at least once every five years.

The licensing authority will endeavour to work with other local authorities, particularly where boundaries meet to ensure that a consistent approach is taken in licensing matters whilst respecting the differing needs of individual communities. In promotion of this aim, this policy has been drafted in partnership with the Kent Licensing Regulatory Steering Group.

The licensing authority will further review, update or modify this licensing policy as necessary. The previous policy was renewed on 20 April 2017.

The amendments to the Licensing Act 2003 introduced on 25 April 2012 and the provisions of the Deregulation Act 2015 and the Legislative Reform (Entertainment Licensing) Order 2014 have been incorporated into the policy.

Legislation may introduce further significant changes in respect of fees; this will instigate a further review of the licensing policy.

- 2.2 The licensing authority will give clear and cogent reasons if it has departed from either the Guidance and / or this policy for doing so.
- 2.3 It is recognised that the policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, large festivals / concerts / events as well as off-licences, fast food outlets, cafes etc. For this reason it is not possible for the policy to detail all the measures that may be appropriate.
- 2.4 The applicant should satisfy the licensing authority, responsible authorities and other persons 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. The applicant will also need to make reference to how and when additional measures will be implemented for special

events or promotions or seasonal variations which are intended to attract larger audiences or customer numbers.

- 2.5 The licensing authority will seek proper intervention with local crime prevention, planning, transport, employment, business / contracts and cultural strategies. The licensing authority will monitor and assess the impact on the provision of regulated entertainment, particularly music and dancing.

The licensing authority will ensure that only necessary, proportionate, reasonable and enforceable conditions are imposed on a licence. Any such conditions will focus primarily on the direct impact of activities taking place at licensed premises, those attending licensed premises and members of the public living, working or otherwise engaged in normal activity in the vicinity and will cover issues that are reasonably within the control of the individual licensees and / or designated premises supervisors.

Furthermore, when the licensing authority is considering any application, it will avoid duplication with other regulatory authorities such as police, fire services, health & safety, environmental protection, disability discrimination etc.

The 2003 Act is not intended to be used to achieve outcomes that are addressed by other legislation; in particular, the council will ensure that its licensing functions are discharged separately from its planning functions.

- 2.6 This policy does not undermine the statutory rights of any person under the 2003 Act for the grant of a licence; each application will be considered on its individual merits.

The policy will not override the right of any person to make a relevant representation on an application or seek a review of a licence / certificate.

The local authority will expect that any person who has submitted a relevant representation or lodged an application for review to maintain their support for the process at the hearing and if necessary, in the Magistrates' Court.

The licensing authority as the 'respondent' to an appeal reserves the right to continually re-evaluate its position throughout appeal proceedings and take any action that is appropriate, taking into consideration, the representations and positions of witnesses, the quality and weight of the evidence, the costs to public purse, draft consent orders etc.

- 2.7 In formulating this policy, the licensing authority has had regard to the:

- The Human Rights Act 1998
- The Equality Act 2010
- The Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000
- The Disability Discrimination Act 1995
- The Gambling Act 2005
- The Crime and Disorder Act 1998 (Section 17).

2.8 The licensing authority, in addition to the imposition of conditions, will use other mechanisms to tackle unruly, disorderly and criminal behaviour of patrons beyond the direct control of the licensees, namely partnership working with:

- Kent Police and other enforcement agencies
- licensees and temporary event notice holders
- residents
- businesses and transport operators
- other departments of Canterbury City Council.

2.9 The licensing authority expects, as part of this policy, every holder of a licence or temporary events notice to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the vicinity of their operation.

### **3.0 The licensing objectives – section 4 of the Licensing Act 2003**

The Act requires the licensing authority to carry out its functions under the Act so as to promote the four licensing objectives. These are:

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

Each of the licensing objectives is considered to be of equal importance for the purposes of this policy.

The licensing objectives dictate every aspect of licensing, namely every type of application or notice, conditions, representations, objections, hearings, decisions, appeals, policy and Home Office Guidance issued in accordance with Section 182 of the Licensing Act 2003.

### **4.0 Policy objectives**

The aims of the policy are to pursue the four licensing objectives by:

4.1 Helping to build and maintain a prosperous society that balances the rights of individuals with the needs of businesses.

4.2 Integrating the policy and objectives with other initiatives, policies and strategies including culture, planning, transport, employment and crime and disorder reduction.

Working to:



- protect the well-being of local residents
- encourage young people to enjoy and take part in cultural activities
- maintain a safe and family friendly environment in the licensing authority's administrative area
- reduce crime and disorder
- to reduce instances of sexual harassment and discrimination and ensure the licensed premises tackle inappropriate behaviours
- prevent anti-social behaviour
- manage nuisance, eg noise
- encourage and promote good neighbourliness
- encourage tourism
- encourage and advise on an early evening and night time economy which is viable, sustainable and manageable
- reduce alcohol misuse
- encourage employment
- encourage the self sufficiency of local communities
- reduce the burden of unnecessary regulation on business.

4.3 The policy will seek to reflect local requirements and recognise the need to encourage and promote live music, dancing, theatre and other forms of entertainment for the wider cultural benefit of the Canterbury district in general. Through consultation the licensing authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly on live music and dancing.

#### **5.0 Licensing Act guidance issued under section 182 of the Licensing Act 2003**

The Home Office has produced Guidance on the operation of the 2003 Act. The Act does not compel the licensing authority to follow the Guidance explicitly. The licensing authority may and will depart from the Guidance and this policy if it needs to do so in order to promote the licensing objectives. It will always give clear reasons for any such departure.

#### **6.0 Relationship to the planning process**

The use of any licensed premises or places may be subject to planning controls. There are several key differences between licensing and planning control, although the regimes overlap. Licensing is concerned with detailed issues concerning the operation and management of the premises that are not addressed by the planning process, which relates to the use of premises, and their location.

The licensing authority strongly encourages applicants to resolve any planning issues before any licensing application is made. The licensing sub-committee will consider an application on its individual merits but may adjourn an application in order to avoid anomalies in the decisions of the two regimes, eg different opening hours.

#### **7.0 Consultation**

The local authority has developed this policy after consultation with councillors, members of the licensing trade and their representatives, businesses in its area, voluntary groups, students / universities and its residents / residents' groups.

The licensing authority gave proper consideration to the views of all those who responded to the consultation.

## **8.0 Development of this policy**

The licensing authority will seek the integration of this policy with local crime prevention, planning, transport, employment, tourism and cultural strategies.

The licensing authority will continue to work with all the responsible authorities, current licence holders and bodies representing them, bodies representing businesses and residents in the area and other local authorities in Kent to ensure that the licensing objectives are addressed as consistently as possible throughout the county. It will also equally strive to meet the needs of communities in its area in promoting the four licensing objectives.

The licensing authority will establish a licensing forum to which all responsible authorities, licensees, trade members, members of trade associations, councillors, universities, representatives of residents associations and residents will be invited to attend on a regular basis.

The licensing authority will also discuss how the licensing objectives are being met with residents of the area and councillors at meetings.

The Head of Safer Neighbourhoods will encourage and promote all of the responsible authorities to submit an annual report to the licensing committee's annual meeting on the operation of the policy and activities undertaken or plans to be implemented to promote the licensing objectives.

## **9.0 Partnership working**

As part of its overall policy the licensing authority expects every holder of a licence, certificate or temporary event notice (TEN) to be responsible for minimising the impact of their activities and anti-social behaviour by their patrons within the immediate vicinity of their premises. Licence and TEN holders are encouraged to use both the Code of Conduct and Full Risk Assessment Template in Appendices A and B respectively. If a complaint is received, licence holders will be asked to demonstrate how the Code and Template were used, and if not, explain why not. The purpose of the Code and Template is to promote compliance with a consistent standard for all.

Section 17 of the Crime and Disorder Act 1998 requires the council to work in partnership with Kent police and others to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty.

The licensing function is not the primary mechanism for controlling the anti-social behaviour of patrons once they have left the vicinity of a licensed premise and beyond the direct control of the licensee. In these circumstances other mechanisms will be used, where appropriate, to tackle unruly or unlawful behaviour of patrons.

These may include:

- partnership working with the Kent Police (and other agencies as appropriate) to promote enforcement of the law concerning disorder and anti-social 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
- working in partnership with landowners, licensees and other interested parties, to seek to maximise CCTV coverage and effective street lighting in urban areas, incorporating any late night transport drop off points and along transport routes
- development of strategic routes, including strategically positioned catering facilities and mobile sanitary accommodation where there are a number of premises grouped in an area and where the sum total of patrons generates a need
- partnership working with the police, landowners, premises owners, designated premises supervisors and others to ensure that patrons and the public in both urban and rural areas are safe when moving by foot to, from and about licensed premises
- consideration and discussion concerning the potential for additional police patrols and private security patrols funded by licensed venues
- working to designate safe pedestrian and public transport routes away from sensitive residential areas, called 'Safe routes'
- lobby the relevant bodies to seek provision of additional public transport between the coastal towns and to places of higher and further education
- investigate the possibility of a pre-payment transport scheme incorporating both buses and taxi / private hire vehicles in a pre-booked timed entry scheme into licensed premises. Covering such schemes would require carefully selected and fixed pickup and drop off points.

It should be noted that all four licensing objectives carry equal weight and the licensing authority will work with all relevant agencies in respect of one or more of the objectives.

## **10.0 Cumulative impact of a concentration of licensed premises**

- 10.1 The cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the local authority to consider in its policy. The cumulative impact of the number, type and density of premises in particular areas, such as parts of the historic city, other town centres, coast etc in the district, may lead to them becoming saturated with premises of a certain type. This could make them a focal point for large groups of people gathering together leading to severe or chronic problems of public nuisance and anti-social behaviour.
- 10.2 The licensing authority will consider the adoption of a 'Special Policy' (see Home Office amended guidance under section 182 of the Act - Section 14) within a defined area or areas if it is satisfied that it is appropriate and necessary to include an approach to cumulative impact in its licensing policy statement; such a decision will only be considered after (a) it is satisfied that there is evidence to support such a decision and (b) public consultation. Due to the complex and lengthy process of gathering evidence, consideration, consultation and adoption of a special policy, cumulative impact areas will be considered as a separate matter to the Statement of Licensing of Policy consultation and adoption in order to avoid the licensing authority being without a current policy.

Cumulative impact areas are normally created as a result of public nuisance. The minimum public nuisance that could be taken into consideration is boisterous and excited behaviour of large numbers of people walking along 'red routes'; these are usually the main routes used by pedestrians moving between and to / from licensed premises.

More serious anti-social behaviour is noise breakout from the premises, shouting, screaming, vomiting, urinating and defecating on private properties in the area.

The effect of adopting special cumulative impact area policy is to create a rebuttable presumption that if relevant representations are received, that applications for new premises licences or club premises certificates or material variations will not be granted, if they go to a hearing before the Licensing Sub-Committee, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced.

It is important to stress that each application will be considered on its individual merits. Applicants are encouraged to address any special cumulative impact area policy issues in their operating schedules (and self-assessment template) if a premises is located in a cumulative impact area, in order to rebut the presumption and to provide statutory and other persons with relevant information as to whether they wish to lodge a representation in response to the application.

It is stressed that if any application activates the special cumulative impact policy, the presumption raised does not relieve responsible authorities or other persons of the need to make a relevant representation before the local authority may lawfully consider giving effect to its special policy.

The licensing authority, under the Licensing Act 2003, must grant any application in a special cumulative impact area policy area in accordance with the operating schedule submitted by the applicant if it receives no relevant representation.

- 10.3 The licensing authority recognises that many different kinds and styles of premises sell alcohol, serve food and provide entertainment. It also recognises that some applications in special saturation areas will be unlikely to add significantly to the problems arising from saturation. Where it can lawfully make decisions on applications in special saturation areas, it will have full regard to the impact different premises may have on the local community.

The licensing authority will review, as a minimum, special saturation policies every time the licensing policy statement is reviewed in accordance with the Act to assess whether they are needed any longer.

The absence of a special saturation policy does not prevent any responsible authority or interested party making evidence based relevant representations on a new 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.

- 10.4 The council considers that the cumulative impact areas (if required), together with fixed hours, are an appropriate and proportionate strategy to promote the licensing objectives rather than the adoption of more draconian measures such as of an Early Morning Restriction Order (EMRO) and / or Late Night Levy (LNL) as this approach:

- promotes community and neighbourliness

- balances the rights of the community and businesses under the Human Rights Act 1998
- allows applications to be submitted and considered on their individual merits
- avoids the draconian implications of an EMRO stopping all activities under a licence or temporary event notice
- removes the financial imposition of an additional tax on businesses.

The council does not consider that it is necessary or appropriate to designate any area as a cumulative impact area at the present time for the following reasons:

- the council has not received any application or any recent significant evidence to support any area being designated as a cumulative impact area;
- the robust application of the policy adopted on 20 April 2017, in particular Section 11.0 hours, has had significantly more impact on managing any adverse impact on communities whilst allowing good businesses with responsible licence holders to develop, adapt and thrive than application of the special policy cumulative impact areas ever did;
- the cumulative impact area designations did very little to restrict the number of premises or prevent new applications / variations extending hours via a 'creeping' strategy of continual small increments to existing licences (see 11.5 below);
- every application can be considered on its individual merits in greater detail than ever before as the existing policy has resulted in fewer but better quality applications being lodged.

## **11.0 Hours**

11.1 This policy applies to all types of premises licences and club premises certificates. It should be noted that the operating schedules must specify both the hours in which premises are open to customers and the hours when licensable activities are taking place.

11.2 In its revised guidance the government acknowledges that different licensing approaches may be appropriate for the promotion of the licensing objectives in different areas and that licensing authorities are best placed to make decisions regarding licensing opening hours as part of the implementation of its licensing policy statement.

It is the intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out. This is not a policy to refuse applications for hours longer than the core hours and consideration will be given to the individual merits of each application.

Where an application is made to operate outside the core hours each application will be considered on its merits against the criteria as set out in paragraph 11.3(ii) below.

The council expects applicants to consider how people using the premises are to depart from the premises and from the area and make reference to it in their

operating schedule. As part of applications for premises that intend to operate after midnight, operating schedules should include particular consideration to the limited availability of transport after the bus and train services cease operation.

- 11.3
- (i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other elements in the policy.
  - (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies and with particular regard to the following:
    - a) the demonstration of the promotion of the licensing objectives, in particular, prevention of crime and disorder, public safety and prevention of public nuisance associated with the likelihood of the effect of the grant of a licence for later or earlier hours on those objectives
    - b) whether there is residential accommodation in the proximity of the premises that would be likely to be adversely affected by premises being open or carrying out operations at the hours proposed
    - c) the proposed hours of the licensable activities and when customers will be permitted to remain on the premises
    - d) the proposed hours when any music, including incidental music, will be played
    - e) the hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises
    - f) the existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity
    - g) whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night
    - h) the capacity of the premises
    - i) the type of use: recognising that premises that sell alcohol, play music for dancing, provide fast food, are more likely to be associated with crime and disorder and public nuisance than restaurants, theatres, cinemas, other performance venues or qualifying clubs
    - j) the licensing authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely
    - k) conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises

- l) the licensing authority may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives
- m) specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and other persons to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for bank holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by TENs or variation applications.

#### 11.4 Core hours when customers are permitted to be on the premises

For premises for the supply of alcohol for consumption on the premises:

- Monday to Thursday: 10:00 - 23:30
- Friday and Saturday: 10:00 - 00:00
- Sundays: 12:00 - 23:30
- Sundays immediately prior to Bank Holidays: 12:00 - 00:00

For premises for the supply of alcohol for consumption off the premises:

- Monday to Saturday: 08:00 to 23:00
- Sundays: 10:00 to 22:30

For premises for the provision of other licensable activities:

- Monday to Thursday: 09:00 - 23.30
- Friday and Saturday: 09:00 – 00:00
- Sundays: 09:00 - 23:30
- Sundays immediately prior to Bank Holidays: 09:00 – 00:00

#### 11.5 Reasons for policy on hours

The Canterbury district has a concentration of licensed premises, over 800 premises; many currently operate late into the night. There is extensive late night opening and a range of closing hours throughout the night. There is a significant number of licensed premises in the area which operate after midnight.

Many of these premises obtained these hours through the process of conversion of licences during the transition period and continue to provide a variety of later operating times.

Since 2005, when the significant majority of premises closed at 22:30 there has been a constant increase in the number of businesses and facilities with a premises licence. The current position has been reached through a continual creeping extension to the night-time economy geographically, the number of premises and duration of the licensable activities, eg premises regularly extending the opening

hours with a piece-meal strategy of applying for an extra 30 – 60 minutes every 12 – 18 months.

The number of residents in the city centre has also increased and the council has received more complaints and representations that their fundamental human rights to (a) quiet enjoyment of their homes and (b) sufficient sleep to ensure that their health and general well-being is not being compromised due to an imbalance between the promotion and development of businesses and those who live and work in the city. The Anti-social Behaviour, Crime and Policing Act 2014 supports these rights as a primary consideration to be made by authorities investigating complaints.

Canterbury has had legal confirmation that the Canterbury licensing regime “has got the balance about right” between the licensing trade, residents, the licensing objectives and the availability of TENs to premises licence holder. This is therefore, an appropriate juncture to introduce fixed hours to maintain the status quo. The adoption of fixed hours will mean that current premises licence holders will continue to operate in exactly the same way. The fixed hours will only affect new premises licence applications, applications to vary existing licences beyond their current / core hours and those premises subjected to a review application. This adoption of fixed hours will have the added advantage of encouraging all applicants and licence holders to promote the four licensing objectives, the principal objective of the Licensing Act 2003.

The local authority, as do the residents, recognise that the vast majority of licence holders operate safe and professional establishments but that problems are caused by large numbers of people migrating through the city to different establishments. The minimum adverse interference caused is boisterous and excited behaviour of large numbers of people walking along ‘red routes’; these are the main routes used by pedestrians moving between and to / from licensed premises.

More serious anti-social behaviour endured is noise breakout from the premises, shouting, screaming, vomiting, urinating and defecating on private property.

The limited availability of public transport in the city means that people (a) remain in the city centre until 06:00 or (b) use taxis and private hire vehicles, both of which extend the period and levels of noise.

Crime and disorder statistics, evidence submitted at review hearings and objections lodged, confirm that crime and disorder incidents occur in line with the hours premises are open.

In the particular circumstances of the Canterbury district with its already extensive late opening, the council welcomes the inclusion in guidance of the government’s acknowledgement on the primacy of the licensing authority to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement, and recognising that licensing authorities are best placed to make such decisions based on their local knowledge and in consultation with other responsible authorities.

In accordance with the guidance:



- the licensing authority will always consider each application and will not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application
- where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and / or different hours from those requested
- shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.

11.6 The council does not accept that in the circumstances of the Canterbury district the granting of generally longer hours would result in a reduction in crime and disorder and public nuisance. It is prepared generally to grant premises licences for hours that will provide for longer hours at the end of the week but that still enable people to travel home relatively easily by train, bus, and taxi, while retaining opportunities for residents to have an additional respite on Sunday. It expects applicants to consider how people using the premises are to depart from the premises and from the area and make reference to it in their operating schedule.

As part of applications for premises that intend to operate after midnight, operating schedules should for instance give particular consideration to the limited availability of transport in the early hours of the morning.

Hours later than the core hours will be considered on their merits in relation to other sections of the policy. The council wishes to see a less alcohol led and a more diverse range and variety of entertainment available later at night, and will allow for greater flexibility to those premises that add to a more varied offer of entertainment, cultural activity, healthy activities etc. The council wishes to encourage a wider range of people to frequent the venues, both so that they can enjoy what it has to offer and because a wider range of age groups can act to curb anti-social behaviour; in doing this it will further the licensing objectives of prevention of crime and disorder and public nuisance.

11.7 The consideration of hours of operation will be in the context of the particular circumstances of each application and the licensing objectives of preventing crime and disorder and public nuisance.

The hours at which noise may occur and disturbance of residents' rest, relaxation and sleep will be of particular concern. In general, the conditions will be framed to ensure that closing hours on nights when residents have to get up for work the next morning are earlier than when it is less likely that they will have to do so.

11.8 Activity associated with late night licensed premises may have an impact on the local environment and may cause public nuisance. The effect of noise is greater later at night when ambient noise levels are lower and residents are at home relaxing or wishing to sleep.

The licensing authority in considering the imposition of conditions will focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late evening or early morning, when residents in adjacent properties will want to relax, or sleep.

Conditions relating to noise may also prove necessary to address any disturbance anticipated from the activities of customers in the vicinity of the premises.

- 11.9 Applicants should carefully consider the hours that they will wish to operate each licensable activity and when to close their premises for the entry of customers and when to require them to leave. They should consider each licensable activity separately and carefully reflect this in their operating schedules. The licensing authority will similarly consider hours for licensable activities and closing times and appropriate conditions.

The benefits of “winding down” periods (after the last sales of alcoholic drinks, while food and non-alcoholic drinks are still available, when the volume and tempo of music is reduced and the levels of lighting are increased). These are very widely recognised as helping to reduce crime and disorder and public nuisance.

Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider stopping playing dance music and to switch to quieter, slower tempo music with a less pronounced beat while other licensable activities continue.

- 11.10 The consumption of alcohol on licensed premises is not directly regulated as a licensable activity under the Act but is clearly relevant in assessing whether the premises promote the licensing objectives. Similarly, the time to which customers are permitted to remain on licensed premises, and subsequently leave those premises, is also relevant. Notwithstanding that some licence holders, as a matter of good management, may restrict the sale and consumption of alcohol for a period of time before the end of opening hours as part of a “winding down” strategy described above, the licensing authority will, subject to other conditions and restrictions, impose conditions on a licence to restrict the time at which alcohol may be consumed on the premises and / or require that all customers leave the premises by a certain time where it considers it appropriate to do so to promote the licensing objectives.
- 11.11 Applicants are encouraged not to apply for later hours than they will in fact operate; particularly the seeking of 24 hour licences where there is no intention of operating on a 24 hour basis. Responsible authorities and other persons will generally be more likely to make objections the later the hour that licensable activities are proposed to take place.
- 11.12 Premises where regulated entertainment is provided to a seated audience eg cinemas, theatres and concert venues, provide a diverse range of cultural and entertainment facilities and are attended by a wide range of age groups. They generally have little association with crime and disorder or public nuisance; because of this, these types of premises will be given the opportunity to operate more flexibly late at night. Any relevant representations received and the availability of transport will be matters for careful consideration.

- 11.13 In the past qualifying clubs have had little association with crime and disorder or public nuisance. Through their membership requirements, they exert a degree of control over behaviour in and around their premises. Any relevant representations received and the availability of transport will also be matters for careful consideration.
- 11.14 It is recognised that there is likely to be an increase in cultural, business, and tourism opportunities at the later hours but also that these activities may bring associated challenges for residents and public service providers. The council recognises that the scale, diversity and concentration of the night time economy, particularly in the city, is unique and brings cultural and financial benefits to the whole district. The council believes that good management of its vibrant entertainment industry, and of the street environment within which it operates, is essential to the continued success of the area, and in attracting a wide range of people who want to work, visit or live in the area.
- 11.15 Statutory licensing policies are key tools in managing the competing pressures that the successful night time economy brings. They have been developed over many years to balance the benefits and impacts that arise for businesses, residents and visitors.
- 11.16 Non-standard hours  
In order to have conditions that are clear and enforceable the circumstances in which the non-standard hours will apply must be identifiable. This is to give an opportunity for representations to be made in relation to particular events and in order to provide predictability as to when non-standard hours will apply for the benefit of those who may be affected.

The inclusion of particular national saints' days will have to be considered in relation to the overall number of events. The particular clientele of premises may be a reason to seek non-standard hours for other national days. There should be no expectation of specific non-standard hours for any particular day. Premises not benefiting from exemptions for New Year's Eve must seek it specifically or use a temporary event notice.

## **12.0 Advice and guidance**

Applicants:

The licensing authority encourages all applicants for any new / variation application, personal licence applications and premises licence holders in review applications to complete and return the declaration at Appendix C confirming that the applicant / licence holder has read and understood this policy including the appendices, particularly the Code of Conduct. The licensing authority intends to promote the licensing objectives at every opportunity and encourages that continuous re-assessment is undertaken by all concerned.

The licensing authority encourages that applications are drafted and submitted in accordance with the advice provided in this policy and the Home Guidance issued under Section 182 of the Licensing Act 2003. The latest edition of the Guidance can be viewed via [GOV.UK](http://GOV.UK)

The Licensing Act 2003 is 'light touch' legislation containing a presumption of grant following a trend of deregulation thereby allowing businesses to flourish and develop without being hindered by 'red tape'. However, this freedom comes with a

statutory responsibility upon licence holders to ensure that they comply with all aspects of the law.

It is not the function of the licensing authority, environmental protection, the Kent police and Kent & Medway Fire and Rescue Service to provide free advice and guidance to applicants.

The council offers a service for a fee to ensure that applications, notices and advertisements are completed correctly before submission. The service does not provide advice on the actual content of the application, eg operating schedule, times, activities etc.

If the licensing authority receives a representation from a responsible authority or other person which is not satisfied with the steps set out in an operating schedule for a new licence or variation application then the applicant can agree conditions with that party before the hearing. If full agreement is reached and confirmed in writing by the parties, the application will then be granted by statute. If agreement is not reached, the licensing sub-committee will consider all matters at a hearing and the licensing sub-committee may:

- grant the application
- grant the application with additional or amended times, conditions, activities etc
- refuse the application.

The licensing officer may seek to liaise with applicants or mediate between applicants and those who make representations, to achieve a satisfactory outcome for all involved wherever possible and where resources permit.

Representations:

Responsible authorities and other persons may submit representations in support of or objecting to an application. Representations must be submitted in accordance with the licensing objectives; if a representation fails to address the licensing objectives the licensing officer may reject the representation as part of the 'gate-posting' process.

The licensing authority will not provide advice as to the content of a representation.

A representation will be rejected if it is not received before the last date for objections specified in the notice, newspaper advertisement and publication on the council's website.

The licensing officer will arrange a hearing within 20 working days of the last date for objections. The objective of the council is to deal with all applications at the first hearing.

## **13.0 Licences**

- 13.1 Canterbury City Council, as the licensing authority, administers premises licences, personal licences, club premises certificates and temporary events notices relating to the sale of alcohol, regulated entertainment and late night refreshments.

Regulated entertainment includes the following activities that a licensee provides to entertain an audience, a section of the public, or exclusively for the members of a qualifying club or their guests. The entertainment will be provided for payment or with a view of making a profit.

- a) a performance of a play
- b) an exhibition of a film (including recordings of sports matches, computer game graphics)
- c) an indoor sporting event
- d) boxing or wrestling
- e) provision of facilities for making music or dancing
- f) a performance of dance
- g) a performance of live music
- h) playing of recorded music.

Late night refreshment means supplying hot food or drink to members of the public between 23:00 and 05:00 hours. The food may be eaten on or off the premises. The requirement for a premises licence extends to mobile operating units during this period.

The licensing authority accepts the statutory right of any person to apply for a variety of permissions under the Act and to have the application processed in accordance with the Act.

Where the licensing authority's discretion has been engaged as a result of relevant representation, each application will be considered on its individual merits as well as against the relevant policy, Home Office guidance and statutory framework.

The policy accepts the right of any interested 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 Act. Representations and applications must be made in accordance with the licensing objectives otherwise the licensing authority may reject the representation or application.

The policy concerns the regulation of licensable activities on licensed premises, including qualifying clubs, and at temporary events within the terms of the Act.

## 13.2 **Deregulation Act 2015 and Legislative Reform (Entertainment Licensing) Order 2014**

Legislation has deregulated the some of the licensable activities in the following circumstances:

- **Sale of liqueur confectionary to children under 16 years of age** is no longer an offence.

- **Late Night Refreshment (LNR)** - currently there is no need for a LNR licence for members of clubs, guests of hotels, self-service machines and where the service is free.

The exemption for the need of a licence for LNR is extended where the local authority has designated a

- a) specific area
- b) premises of a specific description
- c) specified period.

Designations may apply simultaneously but not in conjunction with each other.

Designations, variations or revocations must be published.

- **Exhibition of films in community premises** - a community premises is exempt from obtaining a licence or TEN providing conditions met:
  - prior consent obtained by organiser from the management committee or person in control or the owner of the community premises
  - entertainment is not for profit
  - audience of no more than 500 people
  - appropriate film classification
  - films are shown between 08:00 and 23:00.

‘Community premises’ means a church hall, chapel hall, village hall, parish hall, community hall or similar building.

- **Music**  
Live music exemption as licensable activity - audience limit increased from 200 to 500.

Recorded music exemption is brought into line with the live music exemption and is not regulated entertainment if:

- between 08:00 and 23:00
- an audience of less than 500
- takes place in a work place or in a premises with a premises on-licence
- is a church, village or community hall or similar with the consent of the owner.

Conditions can be added to a premises licence following a review.

- **‘Trusted bodies’ – local authorities, hospitals and schools**  
Entertainment (not just music) is deregulated between 08:00 and 23:00 for events by or on behalf of:
  - local authorities on own premises
  - health care providers at hospitals

- schools (not universities, colleges etc) on own premises

No limit on audience number.

Music is deregulated when provided by a third party between 08:00 and 23:00 on:

- community premises
- hospital premises
- local authority premises and
- school premises

where the audience is no more than 500 people.

- **Travelling circuses** – a premises licence or TEN is no longer needed for:

- live music
- recorded music
- indoor sporting events
- plays
- dance

between 08:00 and 23:00 in a moveable structure for no more than 28 days.

A licence or TEN is required for alcohol sale / supply.

- **Wrestling (both Greco and Freestyle)** - activity is exempt when audience is less than 1000 between 08:00 and 23:00.

## **14.0 Temporary Events Notices (TENs) and Community and Ancillary Sellers Notice (CANs)**

### **14.1 Temporary Events Notices**

The licensing authority encourages TENs to be submitted via GOV.UK as this is an on-line service that provides an audit trail and facility to pay on-line. A significant benefit to the applicant for using the on-line procedure is that the council is then legally responsible for serving the notice on the police and environmental health, not the applicant.

Certain temporary events involving no more than 499 people (total includes all those involved in the event and those attending) are licensed by notifying the licensing authority, environmental health and police using the temporary event notice procedure; there is no statutory requirement to notify any other responsible authority or other persons such as residents.

Only the police and environmental health can object to a temporary event notice within three days of the notice being submitted on any of the four licensing objectives.

Important: a TEN is not an application granted or refused by the licensing authority; it is the exercise of a person's statutory right to give notice that they are holding an event which includes licensable activities. If an objection is not lodged, the event has been licensed by the Licensing Act 2003.

Such events, depending on their nature and location, can have serious implications on the licensing objectives. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the environmental health to work with them to identify and reduce the risks identified under the licensing objectives. Failure to provide at least three months notice will mean that there will be insufficient time for the Safety Advisory Group to consider the event if a matter is referred to the group.

### **Warning**

If an objection is lodged by the police and / or environmental health, a hearing will be arranged but the licensing sub-committee might adjourn the hearing until the event has the approval of the SAG. Some members of the SAG require at least three months notice before the event so that resource allocation can be planned for.

Standard TENS:

The Act requires that a minimum of ten working days notice is given. If an objection is received from the police or environmental health, the licensing officer will arrange a hearing for the matter to be considered by the licensing sub-committee.

Late TENS:

The Act requires that a minimum of five working days notice, (maximum of nine working days), is given. If an objection is lodged by the police or environmental health, the notice is rejected by statute.

The licensing authority recommends that a reasonable period of notice for the service of a TEN is at least 28 days. Some council departments have expertise in advising the organisers of temporary events in respect of issues such as crowd control and / or complex entertainment. Organisers are encouraged for this advice at the earliest possible opportunity by contacting the council's events team.

When calculating the notice periods the following are not included:

- the day notice is submitted
- the day of the event
- bank and national holidays
- Saturdays and Sundays.

Organisers of and participants in events must ensure that they have all necessary insurances, indemnities, permissions, health and safety issues, first aid, event management plans, road traffic plans in place to operate a safe event as organisers, participants, volunteers and the public must be protected under existing legislation.

The licensing authority will issue a 'counter notice' if the TEN is not lawful, eg exceeded 15 events in a calendar year.

Information notices for standard and late TENS are at appendix D.



## 14.2 Community and ancillary seller notice

Notices will allow small scale low risk alcohol sales over a period of 36 months, without the need for a premises licence or TEN providing no objection from the police, EHO or local authority.

The CAN is aimed at two eligible groups:

- “Ancillary sellers” (e.g. bed & breakfast providers) that would like to sell (or provide as part of a wider business contract) minimal amounts of alcohol to customers.
- “Community groups” (e.g. charities; church choirs; the Women’s Institute) that may regularly hold small “one-off” events at which they wish to sell alcohol.

## 15.0 Licensing applications and the application process

### 15.1 The application process

Every application received, whether for the issue of a personal or premises’ licence, will be processed in accordance with this policy, the Act and the guidance. If no relevant representations are received then the licence will be issued automatically with, in the case of a premises licence or club premises’ certificate, such conditions attached as are mandatory under the Act and are consistent with the operating schedule accompanying the application; such an application has been granted by statute.

An application or notification for licensing purposes will be accepted as being valid only where it contains all of the detail specified by the Act or regulations and is accompanied, where appropriate, by the correct fee.

If the application is defective, the licensing authority may reject the application and it is for the applicant to re-submit the application together with a new fee. The licensing officer and business support officers will be delegated with the authority to reject an application.

Applicants are encouraged to carefully complete the checklist on application forms before signing the declaration and submitting the application. Careful compliance with this checklist will avoid rejection for fundamental omissions or mistakes.

### 15.2 Personal licences

All applicants for the grant of a personal licence are required to undertake a criminal record check (this can be obtained via Disclosure Scotland <https://crbdirect.org.uk/>).

Where a criminal record check discloses an unspent relevant conviction (see Schedule 4 of the Act) and the police object to the application on crime prevention grounds, the licensing sub-committee will normally refuse such an application unless there are exceptional and compelling circumstances to justify the granting of a licence.

### 15.3 Premises licences

The licensing authority encourages applicants for premises licence applications to submit them electronically as this provides an audit trail and a facility to pay on-line. A significant benefit to the applicant for using the on-line procedure is that the council is then legally responsible for serving the application on all nine responsible authorities.

An application for a new premises licence or a variation needs to be supported by an operating schedule. The application form sets out the information that must be given in each operating schedule:

- a. full details of the licensable activities to be carried on / at and the intended use of the premises
- b. the times during which the licensable activities will take place
- c. any other times when the premises are to be open to the public
- d. where the licence is only required for a limited period, that period
- e. where the licensable activities include the supply of alcohol the name and address of the individual to be specified as a designated premises' supervisor
- f. whether alcohol will be supplied for consumption on or off the premises or both
- g. steps which the applicant proposes to promote the licensing objectives. The steps, which each applicant should consider carefully in completing the schedule, are set out in the headings for each licensing objective.

15.4 The full risk assessment template (appendix B) is available to applicants as an aide to formulate the operating schedule. If an application proceeds to hearing, an applicant is encouraged to produce a completed assessment or submit a written statement as to why it is inappropriate to complete such assessment at least seven days before the hearing.

### 15.5 Hearings

Where relevant representations are made, namely in accordance with the licensing objectives and submitted by the last date for representations, a hearing will be held before the council's licensing sub-committee within 20 working days of the last day for representations. The licensing officer will advise the applicant and those making representations of the hearing date, time and venue within five working days of the last date for representations so that parties are given adequate notice to prepare their submissions and if appropriate discuss a resolution.

Other persons submitting representations in support of, or objecting to the application are advised that un-redacted copies of their representations will be provided to the applicant so that the applicant can make contact to discuss whether a possible resolution can be reached, eg reduction of hours, conditions offered etc. Representors are advised to include a method of contact that they are comfortable being shared with the applicant.

Personal details, addresses, signatures etc will be redacted for the purposes of any report published by the council.

The licensing officer and supervising officers will be delegated with the authority to adjourn an application via a virtual hearing.

The licensing sub-committee will determine the application having regard to this policy, the Licensing Act 2003, (in particular the licensing objectives), statutory guidance and supporting regulations issued from time to time under the Act, any relevant representations and the applicant's submissions.

The decision may be given to the applicant at the end of the hearing but the licensing sub-committee may take up to five working days to deliver the decision as the licensing authority is obliged to provide comprehensive reasons. The decision and reasons will be drafted by an officer at the direction, and on behalf, of the committee.

## 15.6 **Conditions**

The licensing authority will take care to ensure that only appropriate, proportionate, reasonable, specific and enforceable licensing conditions are imposed on any premises licence or certificate.

Any such conditions will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises and those adversely affected or those potentially adversely affected under the licensing objectives.

Before any condition is imposed, it must be capable of being complied with by the premises licence holder; a condition cannot be imposed on a licence if the premises licence holder does not have sole control of the situation. Furthermore, an assessment of the location, type of premises, history etc will be required to decide as to whether a condition is necessary or not.

The licensing authority will avoid duplication with other regulatory regimes and legislation in attaching conditions to premises licences and club registration certificates. Where legislation does not cover the particular circumstances of regulated entertainment at specific premises, then specific conditions may be imposed to address the licensing objectives.

Mandatory Conditions are conditions imposed by statute (The Policing and Crime Act 2009) and form part of every premises licence.

The 2009 Act allows the Government to impose mandatory conditions to ensure that all businesses selling alcohol act responsibly to help tackle alcohol related crime and disorder.

The mandatory conditions refer to irresponsible drinks promotions, banning dispensing alcohol directly into the mouth, provision of free tap water, ensuring age verification policy is in place and ensuring that smaller measures of alcohol are available to customers.

The council website will post an up-dated schedule of the mandatory conditions as changes occur. However, it remains the duty of each licence holder to personally

ensure that they are always aware of the latest version; ignorance to a change is no defence in law to a criminal allegation.

#### 15.7 **Provisional statement**

Someone with an interest in premises, which is or is about to be constructed for use for one or more licensable activities, or which is or is about to be extended or altered for that purpose, may apply for a provisional statement. Applications for provisional statements will be considered on its individual merits and subject to the provisions of the Act. The applicant for a provisional statement should consider seeking advice from an independent legal adviser.

#### 15.8 **Appeal**

Applicants and those making representations in respect of applications and reviews to the licensing authority have a right of appeal to the magistrates' court against the authority's decisions.

If an appeal is lodged in the magistrates' court against the decision, the council is the respondent to the appeal and liable for its own costs and the costs of the appellant if the appeal is successful.

The party status of a person making a representation at the hearing before the licensing sub-committee changes to that of a witness for the council in the magistrates' court. The council has responsibility as to the conduct of the case in the magistrates' court and will consult with witnesses during the course of the appeal but it is not bound by the wishes of the witness(es) as the council has an overriding duty to protect the 'public purse'.

If a witness is dissatisfied with the council's conduct of the case, it is open to that person to apply for party status in the magistrates' court but they may expose themselves to a cost order if they are made a party to the proceedings.

#### 15.9 **Minor variations**

Holders of premises licences and club certificates may seek 'minor variations' to licences and certificates. The test as to whether such a minor variation should be granted or refused is, 'could this variation adversely affect the licensing objectives?' If in the view of the licensing authority that this is the case, a full variation application would be appropriate.

Applicants must consider the guidance issued under section 182 as to whether an application can be submitted as a minor variation. The guidance details what can and cannot be subject to a minor variation, eg any proposal that seeks to increase the consumption of alcohol is not permitted to be considered under the minor variation process.

The licensing authority may consult with such responsible authorities it thinks appropriate and must consider any representation made by an other person.

The licensing officer is the delegated officer to consider minor variation applications.

#### 15.10 **Amusement with prizes machines**

The Gambling Act 2005 gives an automatic entitlement to two gaming machines for category C or D to the holders of a premise that is licensed for the sale of alcohol for consumption in the premises at a bar.

Where the intention is to use more than two machines at a premise, an application must be made to the licensing authority. The licensing officer is delegated to grant or refuse such applications.

The licensing authority may restrict the number of machines on a premise if it appears that the licensing objectives under the Licensing Act 2003 and / or the Gambling Act 2005 are not being promoted.

#### 15.11 **Adult entertainment**

Premises that wish to provide adult entertainment by way of lap dancing, pole dancing or other types of activities involving nudity (relevant entertainment) are required to be licensed under the Local Government (Miscellaneous Provisions) Act 1982 unless they provide such entertainment no more than 11 times in any rolling year and there is at least one calendar month between performances.

Where the exemption applies, the holders of licences under the Licensing Act 2003 will be expected to implement measures to actively promote the four licensing objectives, in particular measures that will protect children from moral, physical or mental harm.

#### 16.0 **Irrelevant, frivolous, vexatious and repetitious representations**

The licensing authority will not consider representations which are irrelevant, made out of time or which are, in the council's opinion, repetitious, frivolous or vexatious.

Representations must be relevant before the licensing authority can consider them.

This means that they must:

- address one or more of the licensing objectives
- be made by a responsible authority or other person
- have some evidential link to the premises in question.

The licensing officer and supervising officers will be delegated with the authority to reject a representation.

#### 16.1 **Definition of parties**

A responsible authority includes the police, the fire authority, the local authority (neighbourhood services), the local planning authority, the health & safety authority, the local authority responsible for minimising or preventing the pollution of the environment or of harm to human health, primary care trust, anybody interested in protecting children from harm and any other licensing authority in whose area the premises are situated.

The officer structure of the local authority is that one group of officers (business support team and licensing officer) administers the process of applications, preparation of reports and issue of licences, certificates, temporary events notices

(both standard and late) etc and a separate enforcement team deal with enforcement actions, investigations, enquiries, representations in response to applications etc.

'Other person' is someone who is not a responsible authority.

The licensing officer will examine each representation on its individual merits to see whether it is relevant or whether any ordinary or reasonable person would consider it to be irrelevant, out of time, repetitious, frivolous or vexatious. Full reasons for the refusal to consider the representation will be given to a person if their representation is disallowed.

A representation is repetitious if it is made in the same 12 month period as an earlier one and is identical or substantially the same as:

- a ground for review specified in an earlier application for review in respect of the same premises licence
- representations considered by the licensing authority when the licence was granted
- representations that would have been made when the application for the premises licence was first made but which were excluded at that time because of the issue of a provisional statement.

These repetitious representations will not be considered save in exceptional and compelling circumstances or where a review occurs following a closure order.

## **17.0 Reviews**

The council may review a licence on the application of any responsible authority or other person who makes a relevant representation that relates to the licensing objectives.

The outcome of a review may be no action, warnings regarding future conduct, the modification, suspension or revocation of the licence, the exclusion of a licensable activity from the scope of the licence and / or the removal of the designated premises supervisor (DPS).

Note: a premises licence with an alcohol activity must specify a personal licence holder as a DPS; alcohol cannot be sold or supplied without a DPS nominated on the premises licence.

The licensing authority, environmental health officer, Kent police and Kent & Medway Fire & Rescue Service will give early warning to licence holders of any concerns identified at premises and of the need for improvement where appropriate.

No more than one review will normally be permitted within any 12 month period on substantially similar grounds except in exceptional and compelling circumstances or where it arises following a closure order.

## **18.0 Enforcement**

The licensing authority 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 trade fairly. The administration and enforcement of the licensing regime are separate functions.

The licensing authority has adopted the principles of the government's enforcement guidance designed to ensure effective and efficient public protection services. Specifically, the licensing authority is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

Enforcement is based on the principles that licence holders / businesses should:

- receive clear explanations from an enforcement authority of the steps they need to take and the period for compliance
- have opportunities to resolve matters before enforcement action is taken - unless immediate action is needed
- receive an explanation of their rights of appeal.

The licensing authority will work closely with partners to assist licence holders to comply with the law and the four licensing objectives it seeks to promote. Proportionate but firm action will be taken against those who breach the conditions of their licence or break the law.

The licensing authority has set clear standards of service and performance that the public and businesses can expect. The policy explains how the licensing authority will undertake its enforcement role effectively and fairly.

The licensing authority's corporate complaints procedures, (comments, complaints and compliments), are available from website: [www.canterbury.gov.uk](http://www.canterbury.gov.uk)

The licensing authority has established protocols with Kent police, Kent & Medway Fire and Rescue Service and Kent County Council Trading Standards on enforcement issues. These protocols provide for the targeting of resources for inspection and enforcement towards high-risk premises and activities that require greater attention using a scoring scheme based on risk factors, whilst providing a lighter touch in respect of low risk premises.

The licensing authority will also carry out regular monitoring visits in and around licensed premises.

See appendix F for the enforcement actions / options.

## **19.0 How to address the licensing objectives in applications**

The following sections set out the licensing authority'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.**

Each section lists the concerns that might influence the achievement of promoting that objective with possible steps that may be of assistance in meeting those concerns. The lists of concerns and steps are not exhaustive because of the wide variety of premises and activities to which this policy applies. Applicants should have regard to each of the four licensing objectives when writing their operating schedules.

Applicants know their premises best and will be expected to address the concerns that relate to the individual style and characteristics of their premises and activities as set out in their operating schedule.

The “additional steps” listed under each of the four objective headings below are matters that applicants may wish to consider in preparing their operating schedules.

They are not intended as draft conditions but as matters of good practice, which may guide applicants in preparation of an application and in managing licensed premises.

Where applicants decide to incorporate an additional step to address the licensing objectives within their operating schedule they need mention it only once.

The licensing authority encourages the selection of additional steps set out above to be based upon the applicant’s thorough assessment, using the full risk assessment template, of the premises, events, activities and the types and numbers of customers expected to attend.

Whilst the licensing authority does not require such risk assessments to be documented (other than where required by other legislation) it does consider such documentation to be good practice and a useful tool, for instance in the instruction and training of staff. It may also be a significant factor in the licence holder’s favour following an application for review, eg has the premises licence holder done all that could have been reasonably foreseen.

In order to minimise potential problems and misunderstandings that can lead to hearings, applicants may wish to consult with an independent licensing expert when preparing their operating schedules.

Applicants should note that all the responsible authorities will examine all applications in order to assess whether they need to make representations on them.

#### 19.1 **Addressing all four licensing objectives**

- Applicants may consider taking additional steps when they plan a special event or promotion that is likely to attract larger audiences than usual. The council may require an applicant to attend a safety advisory group (SAG) meeting to satisfy all members such as the police, health & safety, environmental health, transportation etc that the event is well managed and safe for the public.



- The licensing authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice, eg Challenge 25, use of SIA staff etc important for the achievement of all the licensing objectives. For this reason, the licensing authority suggests that these elements to be considered by an applicant when completing an operating schedule.
- The licensing authority will normally expect the premises licence holder to give the designated premises supervisor (DPS) named in the operating schedule the day-to-day responsibility for running the premises. In addition to the DPS holding a personal licence, the licensing authority would suggest that the DPS have additional training and experience commensurate with the nature and style of the operation of the premises.
- Applicants for new or variations to late night licences may need to consider the orderly, safe queuing / swift dispersal of customers and possible impact on anti-social behaviour and crime and disorder issues. The licensing authority will seek to encourage the controlled dispersal of customers, plans for which the licensing authority will expect to be considered in the operating schedule for a premises licence where necessary.
- Licensees are key partners in working towards the promotion of the licensing objectives. In completing their operating schedules applicants are encouraged to consider whether to put suitable and sufficient measures in place to promote those objectives. Those measures would be relevant to the individual style and characteristics of their premises, activities and events. It is only when well founded relevant representations are received, that the licensing authority may consider an application for a premises licence. It will pay particular attention at any hearing whether to impose extra conditions in addition to any which may already be included in the operating schedule, with a view to promoting the objectives.
- The licensing authority intends to facilitate a broad range of entertainment provision for enjoyment by a wide cross-section of the public. However, the licensing authority balances the provision of entertainment and the promotion of the licensing objectives by ensuring that each application is considered on its individual merits, the representations of statutory authorities and 'other persons' and the reasonable and proportionate remedies that can be adopted to promote a harmonious existence between licensed premises and the surrounding community. This licensing policy does not inadvertently deter live music by imposing indirect costs of a disproportionate nature, for example a blanket policy that any pub providing live music entertainment must have door supervisors.

## 19.2 **Prevention of crime and disorder**

The applicant should consider factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of crime and disorder.

These may include:

- underage drinking
- drunkenness on premises
- public drunkenness
- drugs including legal highs
- 'spiking' of drinks
- violent behaviour
- anti-social behaviour
- sexual harassment and discrimination
- theft
- alcohol related driving offences.

The code of conduct details good measures that can be considered and adopted to address these issues.

### **Additional steps**

The following examples of additional steps are given as examples for applicants to consider in addressing the above concerns in the preparation of their operating schedule, having regard to their particular type of premises or activities:

- effective and responsible management of premises
- training and supervision of staff
- adoption of current best practice guidance
- implementation of the Challenge 25 and PASS card schemes
- provision of effective CCTV in and around premises
- employment of security industry authority (SIA) licensed door staff
- provision of toughened or plastic glasses
- provision of secure deposit boxes for confiscated items ('sin bins')
- provision of litterbins, security measures, e.g. lighting, outside premises
- membership of a pub watch scheme.

The full risk assessment template at appendix B will assist applicants in the drafting of the operating schedule.

## **19.3 The promotion of public safety**

The applicant must take steps to ensure the safety of everyone on licensed premises.

### **Capacity**

Where existing legislation does not provide adequately for the safety of the public, club members or guests, the occupancy capacity for premises and events (to include performers and staff) may still be an important factor in promoting public safety. Subject to the requirements of the following paragraph the licensing authority will expect the issue of occupancy capacity and adequate controls of the numbers of persons on premises or attending an event to be considered by an applicant when completing an operating schedule.

Where a relevant representation is received in respect of capacity the licensing authority will consider setting capacity limits in consultation with the Kent & Medway Fire and Rescue Authority for the following premises:

- nightclubs
- cinemas
- theatres
- other premises where regulated entertainment within the meaning of the Act is being provided.

The applicant must also consider the following concerns when assessing the appropriate capacity for premises or events in the Canterbury area, an important centre for tourism, with a large resident multi-cultural student population.

These could include the:

- design and layout of the premises
- nature of the premises or event
- nature of the licensable activities being provided
- provision or removal of temporary structures, such as a stage or furniture
- number of staff available to supervise customers both ordinarily and in the event of an emergency
- customer profile (eg age, disability)
- marketing or premises to encourage positive behaviours which support the licensing objectives
- attendance by customers whose first language is not English
- availability of suitable and sufficient sanitary accommodation
- nature and provision of facilities for ventilation
- use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.

Where capacity is likely to be reached (such as on known busy evenings) and particularly where a special event or promotion is planned, the applicant must implement arrangements to ensure that the capacity of the premises is not exceeded.

The code of conduct details good measures that can be adopted to address these issues.

### **Additional steps**

The following examples of additional steps are given for applicants to consider in the preparation of their operating schedule, having regard to their particular type of premises or activities:

- 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 non disposable glasses / bottles
- implementation of crowd management measures.

The full risk assessment template at appendix B will assist the drafting of the operating schedule.

#### 19.4 **Prevention of public nuisance**

Licensed premises can cause adverse impacts on communities through public nuisance. The promotion of the licensing objective requires the licensing authority, responsible authorities and the applicant to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The licensing authority will interpret 'public nuisance' in its widest sense, and take 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.

A nuisance does not have to be defined as 'statutory nuisance' under the Environmental Protection Act 1990 to be considered as a nuisance under the Licensing Act 2003.

The nuisance must be a public nuisance, not a private nuisance, eg any noise disturbance through a 'party wall' is a private nuisance and therefore not a matter within the remit of the Licensing Act 2003.

When addressing the issue of prevention of public nuisance, the applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the likelihood of public nuisance. These may include:

- the location of the premises and their proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship
- the hours of operation, particularly if 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
- last admission time
- the steps the applicant has taken has taken to manage queues outside their premises
- the steps the applicant has taken or proposes to take to prevent disturbance by patrons arriving at or leaving the premises
- the steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly
- whether routes to and from the premises, on foot or by car or service or delivery vehicles, pass residential premises within the vicinity of the premises.
- whether other measures have been taken or are proposed such as the use of CCTV or the employment of registered door supervisors.
- the arrangements made or proposed for parking by patrons, and the effect of this parking on local residents
- whether taxis and private hire vehicles serving the premises are likely to disturb local residents.
- the likelihood of any violence, disorder or policing problems arising if a licence were granted
- the siting of external lighting, including security lighting that is installed inappropriately
- whether the operation of the premises would result in increased refuse storage or disposal problems or additional litter in the vicinity of the premises and any measures or proposed measures to deal with this.
- the history of previous nuisance complaints proved against the premises, particularly where statutory notices have been served on the present licensees.

The code of conduct details good measures that can be adopted to address these issues.

### **Additional steps**

The following examples of additional steps are given as examples for applicants to consider in the preparation of their operating schedule, having regard to their particular type of premises or activities.

- effective and responsible management of premises
- appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance
- control of operating hours for all or parts of premises, eg garden areas including such matters as deliveries
- adoption of best practice guidance (eg Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics, British Beer and Pub Association Guide on managing noise from licensed premises)
- 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
- the incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- effective ventilation systems to prevent nuisance from odour.

NB Where relevant representations are received which the licensing sub-committee consider material, particular consideration will be given to the impact, and if relevant 'cumulative impact', on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

The full risk assessment template at appendix B will assist the drafting of the operating schedule.

#### 19.5 **Protection of children from harm**

The licensing authority judges that Kent County Council Social Services Department is the responsible authority in relevant to the protection of children from harm.

The relaxation in the Licensing Act 2003 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 but the risk of harm to children remains the paramount consideration. Clearly, this relaxation places additional responsibilities upon licence holders as well as upon parents and others accompanying children.

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, the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery 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, and the unpredictability of their age and the lack of understanding of danger.

The applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of children from harm.

These may include the potential for children to:

- purchase, acquire or consume alcohol
- be exposed to drugs, drug taking or drug dealing, including legal highs
- 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 environmental pollution such as noise or smoke
- be exposed to special hazards such as falls from a height.

Conditions requiring the admission of children to any premises cannot be attached to licences or certificates. Where no licensing restriction is appropriate, this should remain a matter for the discretion of the individual licence holder, club or premises user.

The licensing authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.

The code of conduct details good measures that can be adopted to address these issues.

### **Additional steps**

The following examples of additional steps are given to assist applicants. Applicants should take account of them in the preparation of 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
- 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
- the implementation of the Challenge 25 and PASS card scheme.

In exceptional circumstances, where appropriate, and only where the licensing authority has received relevant representations, it may impose conditions restricting access or excluding children from premises or part of licensed premises

- at certain times of the day or
- when certain licensable activities are taking place or
- to which children aged under 16 years should have access only when supervised by an adult or
- to which unsupervised children under 16 will be permitted access.

Examples of premises where conditions may be considered include those where:

- there have been convictions for serving alcohol to minors or where there is some evidence of under-age drinking
- there is a known association with drug taking or dealing

- there is a strong element of gambling on the premises
- entertainment of an adult or sexual nature is commonly provided
- there is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)
- licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

The licensing authority endorses the Portman Group Code of Practice on the naming and packing of alcoholic drinks.

The full risk assessment template at appendix B will assist the drafting of the operating schedule.

## **20.0 Key local issues**

### **20.1 Licensing Forum**

The licensing officer will arrange and facilitate a licensing forum as and when required for licence holders, residents, responsible authorities, councillors, interested parties or specific issues / groups, to address issues of mutual concern. The aims and objectives will be driven solely by the licensing objectives and a general consensus to support / develop business, culture and the well-being of the residents of the district. A forum meeting is not usually required as issues are discussed and resolved as quickly as possible through existing partnership groups, projects, initiatives etc.

### **20.2 Transport**

Measures for ensuring the safe and swift dispersal of patrons away from premises and events is an extremely important consideration for licensees and the responsible authorities in promoting all four licensing objectives.

The issues with local transport systems include:

- transport to / from and between venues, particularly late at night, is a major problem and can cause disturbance to local residents.
- late night bus and train services into and within the district are very limited which leaves taxis / private hire as the main method of 'public' transport, apart from private vehicles
- the lack of transport creates a situation where there is increased footfall, particularly within the central core area of Canterbury, with ensuing disturbance to local residents
- there may be conflict between the rights and needs of residents and the customers of licensed premises who walk home or to find food through narrow residential streets late at night
- licensed premises must not encourage or arrange taxis / private hire vehicles to attend the premises if this would breach a road traffic order or legislation, eg the High Street in the city centre.



The lack of transport acts as a barrier to people who live in the rural areas from enjoying the entertainment facilities in the urban areas, and to non-residents from coming into the district at all.

During the life of this policy the council may impose conditions to meet requirements for street lighting and CCTV coverage for individual premises where relevant representations are received and these conditions are relevant and proportional.

### **20.3 Nightclubs and late night venues**

A number of nightclubs operate within the council area. They provide music and dancing with the sale of alcohol and occasional sales of food. Whilst catering for a relatively small number of patrons in comparison with all the other licensed establishments in the district, they do have a disproportionate impact on the four licensing objectives.

The following provides examples of initiatives that the council, the responsible authorities and the licensed trade have introduced through partnership working in order to reduce the impact of late night premises and establish good practice in the operation of such premises:

#### **20.3.1 Licensing forum and the late night economy**

The late night economy will be a standing item for the forum.

#### **20.3.2 Spike campaign**

Promoting awareness in premises and with customers of the risk of date rape drugs in drinks administered by criminals on unsuspecting male or female patrons.

#### **20.3.3 District watch**

A district wide scheme initiated by the police and council to enable licensed premises to share and collate information re customers' behaviour. Premises licence holders are encouraged to consider joining the scheme, particularly if the business operates as part of the late night economy.

#### **20.3.4 Hi-visibility jackets and arm bands for door supervisors involved in patron control and dispersal to taxis or other means of public or private transport**

Implemented as an initiative with police, premises owners and door security companies, to assist in the safe and quiet dispersal of patrons and to assist in taxi marshalling.

#### **20.3.5 Drugs awareness**

On-going campaign with police with the cooperation of late night premises, including the use of Ion-Track, passive dogs, to reduce the prevalence of illegal drugs / legal highs and to create a safer atmosphere for patrons.

### **20.3.6 Intervention meetings**

Meetings arranged and facilitated by the council to assist in a swift resolution of concerns and issues of residents and licence holders. This facility is available in order to avoid unnecessary, expensive and protracted legal process and hearings.

A structured process will allow a person to identify the root cause of any concern and provide the premises licence holder the opportunity to review their operation so that a resolution can be explored.

It is important to note that:

- a) it is a completely voluntary process and any person can withdraw from the process at any time
- b) a person's statutory rights are unaffected and may pursue alternative actions, eg a review hearing application may be lodged.

The intervention meeting form can be found at appendix E.

### **20.3.7 Multi-agency enforcement and advice visits**

Such visits are an essential component of any regulatory strategy. Visits are carried out with the police, fire safety and rescue, crown prosecution service, trading standards and council officers. A high level visible presence gives assurance to the public, residents, patrons and staff of late night premises.

### **20.3.8 Student marshals scheme**

This initiative commenced in September 2015 to promote good behaviour.

### **20.3.9 Student and universities**

Student and Universities will be a standing item for the forum.

## **20.4 Public spaces and outdoor places**

In accordance with Legislative Reform (Entertainment Licensing) Order 2014, the council is no longer required to licence all suitable public open spaces within the district in its own name. The council can permit organised events on this land as appropriate.

The legislation, with effect from 06 April 2015, defines the local authority as a "trusted body" and as such:

- entertainment (not just music) is deregulated between 08:00 and 23:00 for events by or on behalf of Local Authorities on own premises
- music is deregulated when provided by a third party between 08:00 and 23:00 on local authority premises where the audience is no more than 500 people.

This will further the council's policy of actively seeking to encourage and promote live music, dance, circus and street arts. Buskers and street entertainers should refer to the council's code of conduct on the council website before commencing any performance.

If an event involves the sale / supply of alcohol either the council or the organiser must obtain a premises licence or a TEN.

Where a local authority space / land is to be used for an event, the organiser must obtain the permission of the council to hold their event and the council will seek to make sure that any such event itself promotes the licensing objectives. The council reserves the right to require the organiser to obtain a premises licence or a TEN.

The council has standard guidance for event organisers. This can be obtained from the events and facilities manager via [events@canterbury.gov.uk](mailto:events@canterbury.gov.uk)

## 20.5 **Rural areas**

These areas have a number of village halls, which perform important social and recreational functions and also a number of large houses / hotels, which currently have liquor and public entertainment licences. There are a number of convenience stores / post offices interspersed around the area that also have off licence facilities.

There is a distinct lack of facilities for younger people and a dearth of affordable transport to and from the urban districts for those without access to private transport. This severely restricts choice and ability to use the entertainment facilities in the area.

The council is keen to maintain the provision of community facilities including public houses, village halls, church halls, community centres and village shops and to encourage the provision of additional similar facilities. This could include the development of affordable evening / night (public) transport, as well as pub restaurants, pubs with entertainment, country clubs and country house hotels.

## Appendix A

## **Code of practice for licensed premises**

### **Introduction**

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

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

### **Aim of the code**

The aim of this code is to provide applicants and licensees with guidance on good practice for the promotion of the four licensing objectives which are the paramount considerations at all times. The code is consistent with the Home Office guidance issued under section 182 of the Act and with the Canterbury City Council's statement of licensing policy.

It outlines what the Canterbury City Council licensing authority and its responsible authority partners expect in practical terms from applicants when completing their operating schedules and from licensees when operating their premises under the terms of a premises licence.

Applicants and licensees are encouraged to make a proactive commitment to preventing problems from occurring at licensed premises through the voluntary adoption of this code.

The code will provide a consistent approach for licensees, responsible authorities, councillors, officers and members of the community, particularly residents and businesses in close proximity to licensed premises.

### **Risks associated with licensed premises**

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

This code identifies many of the possible risks associated with the sale of alcohol and the provision of entertainment or late night refreshment and sets out good practice measures to mitigate those risks. It provides a key mechanism for the promotion of the licensing objectives, for well-run premises and a responsible approach to the provision of alcohol, entertainment and late night refreshment in the district.

It is recognised that not every risk will be relevant to every premise and it is unlikely that any one premise will need to address all of the measures. Indeed some premises may only need to introduce one or two measures.

The code cannot anticipate every possible risk, problem or circumstance that may arise from licensed premises. Neither does the code restrict an applicant or licence holder from promoting the licensing objectives through alternative means.

## **How will the code be used?**

### **Applicants and licensees**

A proactive and preventative approach is a key aspect of good management at licensed premises. The Canterbury City Council licensing authority therefore encourages applicants to have regard to this code when completing their operating schedule.

Applicants have the opportunity to (a) certify that they have read the licensing policy and the code and (b) complete an assessment of the premises to assist applicants and licence holders have addressed that relevant elements of the policy in relation to their premise.

If problems occur at licensed premises after a licence has been granted and a reactive approach is needed, licensees are advised to put additional operational measures in place to manage and prevent those problems from recurring. The Canterbury City Council licensing authority encourages licensees to have regard to this code when considering additional operational measures and use the assessment tool to improve promotion of the licensing objectives.

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

Use of the code is not a statutory or policy requirement but it will be taken into consideration and used by the licensing authority and responsible authorities as follows:

- when offering advice to applicants either at the design and planning stage or during pre-application discussions
- when responding to licence applications where the licensing objectives have not been adequately addressed in the operating schedule
- as a first point of dealing with licensed premises encountering problems, to raise standards to promote the licensing objectives in those premises and avoid further problems and
- for the review of licences where there is evidence that licensees have not promoted the licensing objectives.

### **Dealing with problem premises**

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

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

Where problems have been identified, the licensing authority and responsible authorities will seek to agree appropriate measures from the code with the licence holder to be implemented at the premises. The aim of the code is to avoid the need for enforcement action such as prosecution or review but it will not replace enforcement action where it is necessary.

### **General – all four licensing objectives**

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

Licensees and their staff have responsibility for the effective and safe management of their premises and the promotion of the four licensing objectives. Training is the key to giving

licence holders, premises managers and staff the knowledge and skills to deal with and manage risks associated with licensed premises. Training should be provided to all staff and should be about both preventing and managing problems occurring at premises. Training should be regularly updated.

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

**Prevention of crime and disorder**

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

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

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

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

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

Risk		Good Practice Measure
Security in and around the premises	CD1	<p>(a) <b>An alarm or other security measure</b> should be installed at the premises to protect it when closed or empty.</p> <p>(b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</p> <p>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</p>
	CD2	<p>(a) <b>CCTV</b> should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.</p> <p>(b) The recordings should be in real time and on hard drive with the availability to copy disks for other agencies such as the police.</p> <p>(c) For analogue systems, tapes should be changed daily and used no more than 12 times.</p> <p>(d) Recordings should be kept for a minimum period of 28 days.</p> <p>(e) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(f) A trained member of staff should be on duty to operate the system whenever the premises are open.</p>
	CD3	<p><b>External lighting</b> provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.</p>
	CD4	<p>(a) <b>Security systems should be integrated</b> so that the alarm, CCTV and lighting work together in an effective manner.</p> <p>(b) The alarm should be linked to a system that will notify the police if it is activated.</p>
	CD5	<p>(a) <b>Door staff and / or stewards</b> should be employed at the venue supervise admissions and customers inside the venue.</p> <p>(b) Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.</p> <p>(c) Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.</p>



		<p><b>(d)</b> Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.</p> <p><b>(e)</b> Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p>
	<b>CD6</b>	<p><b>(a) Effective security policies</b>, based on risk assessments, can protect your premises, staff and customers from threats, conflict or violence.</p> <p><b>(b)</b> Security policies should be formulated in consultation with a police crime prevention officer.</p> <p><b>(c)</b> All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p><b>(d)</b> Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the police.</p>
	<b>CD7</b>	<b>Security reviews</b> should be held regularly and at least every three months with minutes kept.
	<b>CD8</b>	<p><b>(a) Daily staff briefing and debriefing</b> will enable licensees to improve working practices in their premises.</p> <p><b>(b)</b> Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.</p>
<b>Crime and disorder in and around the premises</b>	<b>CD9</b>	<p><b>(a) Promoted events</b> may attract larger than usual crowds.</p> <p><b>(b)</b> Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the Canterbury City Council Events Team.</p> <p><b>(c)</b> It is expected that promoters should have obtained the BIIAB level 2 for large scale music events for over 1500 people.</p> <p><b>(d)</b> In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a written debrief will be provided to the Canterbury City Council licensing officer and the police licensing officer within 48 hours of the event.</p>
<b>Crime including</b>	<b>CD10</b>	<b>(a) Proper management of the door</b> will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment taking into account the size

<p><b>conflict, violence or aggression in and around the premises</b></p>		<p>of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of 1 door supervisor per 50 customers.</p> <p><b>(b)</b> Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.</p>
	<p><b>CD11</b></p>	<p><b>A door admissions policy</b> including any age restrictions, expected dress standards or the screening of hand bags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.</p>
	<p><b>CD12</b></p>	<p><b>(a) Ejecting or refusing entry to persons</b> from the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p><b>(b)</b> In such cases, an entry should be made in an incident or log book.</p> <p><b>(c)</b> Identification scanners should be considered if this would aide (i) swift entry procedures and (ii) identify customers with a history of problems at other venues.</p>
	<p><b>CD13</b></p>	<p><b>(a) A policy to manage capacity</b> should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p><b>(b)</b> For promoted events and large venues, the use of clickers is essential to record the number of patrons inside the premises.</p> <p><b>(c)</b> For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p><b>(d)</b> Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</p> <p><b>(e)</b> Where a premises holds a special event which is expected to attract a greater than usual number of patrons and in excess of 1500 people, the premises licence holder will be expected to notify the Canterbury City Council licensing officer and the police licensing officer licensing team at least 14 days in advance of the event.</p>
	<p><b>CD14</b></p>	<p><b>(a) Alternatives to glass drinking vessels</b> should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.</p> <p><b>(b)</b> Drinking vessels made from plastic or polycarbonate would be preferential particularly in outside areas.</p> <p><b>(c)</b> Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular</p>

		collection of glassware by staff and prevention of glassware being removed from the premises.
	<b>CD15</b>	<p>(a) <b>Measures to preserve a crime scene</b> until police arrival, following the outbreak of disorder or any other crime should be clearly documented in a policy.</p> <p>(b) Such a policy should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
	<b>CD16</b>	<p>(a) <b>Staff training</b> in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.</p> <p>(b) Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
	<b>CD17</b>	<b>Sharing of information</b> with others in the industry. Regular meetings, the use of local radio networks or membership of a local pub / club watch scheme will enable information to be passed on about trouble makers and common problems in the area.
<b>Drugs and weapons being brought into the premises</b>	<b>CD18</b>	<p>(a) <b>A zero tolerance policy</b> to the use of drugs, including 'legal highs' and carrying of weapons in the premises should be adopted with a clear "<i>No search. No entry</i>" message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p>
	<b>CD19</b>	<p>(a) <b>Effective search policies</b> will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p> <p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the police licensing officer.</p> <p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p>

		<p>(e) Searches should always be carried out in public areas and covered by CCTV.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
	<b>CD20</b>	<b>Calling the police</b> if customers are suspected of being in possession of drugs or weapons. All staff must be made aware of this requirement.
	<b>CD21</b>	<p>(a) <b>Seizing, retaining and documenting</b> any drugs or weapons found with a clear audit trail and a process for surrendering them to the police.</p> <p>(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search including circumstances when the police should be called; the use of tamper proof bags and safe storage of seized items in a lockable box; details that need to be recorded and how / when seized items should be surrendered to the police.</p>
	<b>CD22</b>	<p>(a) <b>Supervising toilet areas</b> can be effective in discouraging drug selling or use.</p> <p>(b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.</p> <p>(c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.</p> <p>(d) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse.</p>
	<b>CD23</b>	<b>Drug awareness training</b> should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.
<b>Theft from premises or lost property</b>	<b>CD24</b>	<b>Bag hooks (Chelsea clips) and bag bells</b> should be provided to prevent bag snatching.
	<b>CD25</b>	<b>Clear signage</b> should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag / laptop snatchers.
	<b>CD26</b>	<b>Property patrols, managed cloakrooms</b> and toilet attendants can be employed to prevent theft from patrons or the premises.

	<b>CD27</b>	<b>Premises layout and lighting</b> should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.
	<b>CD28</b>	<b>Mirrors</b> used throughout the premises can aid supervision and act as deterrents to thieves.
	<b>CD29</b>	<b>A lost and found policy</b> should be in place in relation to lost / found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.
	<b>CD30</b>	(a) <b>Carefully positioning alcohol</b> in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within the first few metres near the door as this allows thieves to 'grab and run'.  (b) It may be helpful for alcohol display areas to be covered by CCTV if possible.
	<b>CD31</b>	<b>Security tagging</b> any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.
<b>Disorder from customers queuing to enter the premises or when leaving the premises</b>	<b>CD32</b>	(a) <b>Reduce the potential for excessive queue lines</b> with a well managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.  (b) Door staff will be required to refuse entry to premises to customers who do wait outside premises in a quiet and orderly fashion.
	<b>CD33</b>	(a) <b>A customer dispersal policy</b> can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.  (b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.
	<b>CD34</b>	(a) <b>Staff training</b> in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.  (b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or Licensing Authority

<p><b>Customers getting drunk and dealing with drunken customers</b></p>	<p><b>CD35</b></p>	<p><b>(a) Drinks promotions</b> should be socially responsible and not encourage excessive drinking.</p> <p><b>(b)</b> A documented policy on responsible drinks promotions should be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p> <p><b>(c)</b> Any drinks promotion should market the availability of soft drinks.</p>
	<p><b>CD36</b></p>	<p><b>(a) Staff training</b> on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p><b>(b)</b> Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> <p><b>(c)</b> When staff are collecting glasses, they can interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p> <p><b>(d)</b> A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>
	<p><b>CD37</b></p>	<p><b>A duty of care policy</b> regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p>
	<p><b>CD38</b></p>	<p><b>Drink-aware posters</b> can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p>
<p><b>Consumption of alcohol on the street and street drinkers</b></p>	<p><b>CD39</b></p>	<p><b>Restrict the sale</b> of strong beer and cider above 5.5% ABV and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.</p>
<p><b>Sale of alcohol outside permitted hours</b></p>	<p><b>CD40</b></p>	<p><b>Lockable shutters</b> can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.</p>

<b>Tackling sexual harassment and discrimination</b>	<b>CD41</b>	<p><b>Staff and SIA operatives training</b> in a zero tolerance policy to sexual harassment and discrimination to deal with:</p> <ul style="list-style-type: none"> <li>(a) unwelcome sexual gestures and sexual innuendos confidence to deal with drunken patrons.</li> <li>(b) groping, pinching or smacking someone's body without consent</li> <li>(c) exposing sexual organs to someone</li> <li>(d) entering the opposite sexes toilet</li> <li>(e) derogatory comments or gestures based on someone's age, gender, race orientation or ability.</li> </ul>
<b>Reporting criminal offences</b>	<b>CD42</b>	<p><b>Premises licence holders are requested to report all criminal allegations to the police</b>, eg theft, drug possession, fraudulent documentation. It is then a matter for the police as to what is the appropriate action to take.</p>

### Public Safety

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

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

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

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

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

<b>Risk</b>		<b>Good Practice Measure</b>
<b>General safety of staff and customers</b>	<b>PS1</b>	<ul style="list-style-type: none"> <li><b>(a) A full risk assessment</b> taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. A risk assessment should be regularly reviewed, at least once every 12 months.</li> <li><b>(b)</b> All staff should be made aware of the risk assessment and precautionary measures therein.</li> <li><b>(c)</b> A copy of the risk assessment should be kept at the premises and made available for inspection.</li> </ul>

	<b>PS2</b>	<b>First aid boxes</b> should be available at the premises and maintained with sufficient in-date stock.
	<b>PS3</b>	<p>(a) <b>A recognised qualification in first aid</b> should be held by at least one member of staff who should be on duty at all times the premises licence is in use.</p> <p>(b) Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</p>
	<b>PS4</b>	<b>A first aid room</b> or quiet room should be made available to anyone requiring medical attention.
	<b>PS5</b>	<b>Temperature levels</b> and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas. Before installation, please check with the Council's Planning Department for advice as to whether this is permissible.
<b>Overcrowding</b>	<b>PS6</b>	<b>A documented capacity</b> should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority. The risk assessment should consider factors such as floor space, numbers of toilets, potential queuing time and available fire exits.
	<b>PS7</b>	<p>(a) <b>A policy to manage the capacity</b> should be adopted to prevent overcrowding and localised overcrowding.</p> <p>(b) The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p>(c) Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>
<b>Accumulation and disposal of glasses / drinking vessels</b>	<b>PS8</b>	<p>(a) <b>A glass collection policy</b> should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p>(b) Perimeter checks should be made outside the premises for any glasses or bottles.</p> <p>(c) All staff must be made aware of the glass collection policy and their responsibility for the task.</p>
	<b>PS9</b>	<b>Spillages and broken glass</b> should be cleaned up immediately to prevent floors from becoming slippery and unsafe.



	<b>PS10</b>	<b>Bottle bins</b> should be secure at all times and away from public areas.
<b>Accident or other emergency incident on the premises</b>	<b>PS11</b>	<p>(a) <b>A written policy</b> to deal with all types of accidents and emergency incidents should be in place at the premises.</p> <p>(b) The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.</p> <p>(c) Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits should be well defined and evacuation plans exercised regularly.</p> <p>(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.</p>
	<b>PS12</b>	<b>A fire detection system</b> should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.
	<b>PS13</b>	<p>(a) <b>Means of escape</b> in case of any emergency must be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street.</p> <p>(b) Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</p>
	<b>PS14</b>	<b>Equipment should be checked and maintained</b> regularly with a record kept of the date and findings of the checks.
	<b>PS15</b>	<p>(a) <b>Staff training in fire safety</b> and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.</p> <p>(b) Records should be kept of the date and name of person trained and made available for inspection.</p>
	<b>PS16</b>	<b>An accident book</b> should be kept in order to record all accidents or incidents and made available for inspection.
<b>Drug use or drink spiking</b>	<b>PS17</b>	<p>(a) <b>A zero tolerance policy</b> to the use of drugs in the premises should be adopted.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</p>

	<b>PS18</b>	<b>Refusing entry</b> to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.
	<b>PS19</b>	(a) <b>A duty of care policy</b> regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.  (b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.
	<b>PS20</b>	(a) <b>Prevent the possibility of drink spiking</b> by offering various anti-drink spiking products to customers.  (b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.
	<b>PS21</b>	<b>A 'chill out' area</b> should be provided. This should be cooler and quieter than rest of venue.
<b>Smoking on the premises</b>	<b>PS22</b>	<b>Staff should be aware</b> of their responsibilities regarding smoke-free legislation and for monitoring compliance.
<b>Safety of customers when leaving the premises</b>	<b>PS23</b>	<b>Discourage drink driving</b> by promoting schemes such as designated driver, with notices clearly displayed throughout the premises.
	<b>PS24</b>	(a) <b>Display information</b> to customers with regards to safe options for travelling home. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options.  (b) Provide a free taxi phone service and a safe waiting area for customers inside the premises.
	<b>PS25</b>	(a) <b>A 'chill out' period at the end of an evening</b> can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.  (b) Provision of food and non alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.

	<b>PS26</b>	<p>(a) <b>Increased lighting</b> inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.</p> <p>(b) <b>Increased external lighting</b> particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours, particularly in and close to established residential areas.</p>
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### Prevention of public nuisance

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

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

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

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

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

<b>Risk</b>		<b>Good Practice Measure</b>
<b>Music, singing and speech noise breakout from the premises</b>	<b>PN1</b>	<p>(a) <b>A noise management policy</b> should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.</p> <p>(b) The policy should be based on the findings of an acoustic consultant's assessment.</p> <p>(c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.</p>

		(d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.
	<b>PN2</b>	<p>(a) <b>Windows and doors should be kept closed</b> whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.</p> <p>(b) Windows should be sound insulated.</p> <p>(c) Emergency exits should be sealed acoustic doors.</p> <p>(d) A lobbied area should be provided at the entrance and exit to the premises.</p> <p>(e) Doors should be fitted with self closing devices.</p>
	<b>PN3</b>	<p>(a) <b>A sound limiting device</b> should be installed, set and sealed at a level approved by an acoustic consultant.</p> <p>(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.</p> <p>(c) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.</p>
	<b>PN4</b>	<p>(a) <b>Locate entertainment facilities</b> such as DJ booth, stage and loud speakers away from doors and windows.</p> <p>(b) Rubber speaker mounts can be used to minimise structure borne noise.</p>
	<b>PN5</b>	<p>(a) <b>Methods for monitoring noise</b> should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder / staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.</p> <p>(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.</p>
	<b>PN6</b>	<p>(a) <b>A log book</b> should be kept of any noise monitoring carried, the findings and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.</p> <p>(b) The log book should be made available for inspection by the licensing authority or environmental health responsible authority.</p>

	<b>PN7</b>	<b>A contact telephone number</b> should be made available to local residents and businesses which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The telephone line should be available at all times the licence is in use.
<b>Noise and nuisance from customers arriving and leaving the premises</b>	<b>PN8</b>	<p>(a) <b>Reduce the potential for excessive queue lines</b> with a well managed and efficient door policy.</p> <p>(b) Long queues should be avoided and any queues should be directed away from residential properties.</p> <p>(c) Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated.</p> <p>(d) Door staff should refuse entry to anyone behaving in an anti-social way.</p> <p>(e) Restrict admittance or re-admittance to the premises after 23:00.</p>
	<b>PN9</b>	<p>(a) <b>A customer dispersal policy</b> can minimise noise disturbance to local residents from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p>(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.</p> <p>(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p>
	<b>PN10</b>	<p>(a) <b>Display prominent notices</b> close to the exit doors, requesting patrons to leave the premises quickly and quietly.</p> <p>(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.</p> <p>(c) Make announcements at the end of an evening, requesting patrons to (i) leave the premises and area quickly and quietly; (ii) to use toilet facilities before leaving.</p>
	<b>PN11</b>	<p>(a) <b>Provide a free taxi phone service and an internal waiting area</b> for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and</p>

		depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.
<b>Noise and nuisance from customers using external areas such as beer gardens or forecourts</b>	<b>PN12</b>	<b>Display prominent signs</b> in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.
	<b>PN13</b>	<b>Restrict the use of external areas</b> after 22:00 if premises are in a residential area.
	<b>PN14</b>	<p><b>(a) Door supervisors or staff</b> should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p><b>(b)</b> For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p><b>(c)</b> Limit the number of smokers permitted outside at any one time after a certain time.</p> <p><b>(d)</b> Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p><b>(e)</b> Locate smoking areas away from residential premises.</p> <p><b>(f)</b> Do not permit customers to congregate on and block the public highway to passers by.</p>
<b>Noise from staff and entertainment providers leaving the premises</b>	<b>PN15</b>	<b>Staff and performers</b> who depart late at night or in the early hours on the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.
<b>Noise and disturbance caused by deliveries, collections and waste disposal</b>	<b>PN16</b>	<b>Commercial deliveries, collections and storage / disposal of waste</b> , including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 08:00 and 18:00 Monday to Friday.
<b>Litter and waste</b>	<b>PN17</b>	<b>(a) Flyers should not be distributed outside the premises</b> by the licence holder or any staff employed by the licence holder.

<b>around the premises</b>		(b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.
	<b>PN18</b>	(a) <b>Procedures should be in place</b> for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.  (b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.  (c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.
<b>Disturbance from external lighting</b>	<b>PN19</b>	<b>External lighting</b> for the premises should be turned off after the premises are closed to the public.
<b>Noise or odours from plant and machinery</b>	<b>PN20</b>	<b>Plant and machinery should not cause nuisance</b> to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.

### Protection of children from harm

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

The carrying on of licensable activities in particular the provision of alcohol and some types of entertainment can increase risks of harm to children attending licensed premises. It is therefore recommended that applicants and licensees take a proactive approach to protecting and managing the well being of children at their premises.

All applications for new licences and variations should address the steps proposed to protect children from harm and this is best achieved through a premises risk assessment.

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

<b>Risk</b>		<b>Good Practice Measure</b>
<b>Children accessing licensed premises</b>	<b>CH1</b>	(a) <b>A documented policy</b> setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premise including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.  (b) All staff including door staff and bar staff should be trained on the policy.

	<b>CH2</b>	<p>(a) <b>Restrict access to children</b> depending on the nature of the business and / or circumstances.</p> <p>(b) The admission of children can be restricted up until a specified time in the evening.</p> <p>(c) The admittance of children can only be permitted if they are accompanied by an adult.</p>
<b>Underage sales of alcohol</b>	<b>CH3</b>	<p>(a) <b>Operate a strict 'No ID, No Sale' policy. 'Challenge 25' scheme</b> serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p> <p>(b) A 'Challenge 25' scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.</p> <p>(c) Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.</p> <p>(d) Use till prompts to remind staff to ask for proof of age.</p> <p>(e) Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.</p>
	<b>CH4</b>	<b>Display posters at the premises</b> stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).
	<b>CH5</b>	<b>Adverts or promotions for alcohol should not</b> appeal to young persons.
	<b>CH6</b>	<p>(a) <b>Keep a refusals book</b> (or refusal button on EPOS –Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.</p> <p>(b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.</p> <p>(c) The book should be made available to police and authorised council officers on request.</p> <p>(d) The book should be reviewed on a regular basis to see if any patterns emerge.</p>
	<b>CH7</b>	(a) <b>Staff training</b> in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This



		<p>includes the ability to competently check customers' identification where necessary.</p> <p>(b) A record should be kept of the date and name of person trained.</p>
<b>Access to age restricted films</b>	<b>CH8</b>	<p>(a) <b>Adequate provisions for restricting children</b> from viewing age restricted films should be in place at the premises.</p> <p>(b) Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).</p>
<b>Access to age restricted gaming machines</b>	<b>CH9</b>	<b>Age restricted gaming or vending machines</b> should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.
<b>Access to entertainment of an adult nature</b>	<b>CH10</b>	<b>Children under the age of 18 should be excluded</b> from the premises or part of the premises when specified activities such as adult entertainment are taking place.
	<b>CH11</b>	<b>Adverts for entertainment of an adult nature should not be displayed externally</b> on the premises or in any part of the premises internally where they can be seen by young persons.

## Appendix B

## Full Risk Assessment Template

### **Guidance**

This template is an aide to prospective and existing licence holders to make a full risk assessment of their premises and business in order to discharge their statutory duty to promote the licensing objectives.

Applicants are encouraged to submit an assessment with any new or variation application in order to demonstrate to the licensing authority and assist responsible authorities and other persons that the licence holder is prepared to take all reasonable steps act as a responsible operator and good neighbour.

An applicant is not required to incorporate every good Practice measure into their business, merely demonstrate that they have considered them; if a measure is not applicable, it should be marked as such. For example, a small independent convenience store is very unlikely to need SIA staff so it can be ticked as 'not applicable' (N/A).

However, if a large city public house does not intend to install an appropriate CCTV system, the applicant may indicate that it is not applicable to their business but the applicant is advised to state why it is not necessary. Responsible authorities and / or other persons are entitled to disagree with the applicant's assessment and lodged an objection to the application or seek appropriate conditions.

This approach endorses the foundation of the application process in that each application is considered on its individual merits.

If conditions are offered by an applicant or sought by a responsible authority / other person, the Institute of Licensing's standard conditions should be adopted, when published, whenever possible.

If a good measure is adopted, the applicant should include this in the operating schedule, explaining exactly how it will apply to this particular premise.

<b>Name of premise</b>	
<b>Premises reference number</b> <i>(If there is one)</i>	
<b>Address</b>	
<b>Contact</b> Mobile telephone	

numbers  Landline number  e-mail address	
<b>Date assessment completed</b>	
<b>Name and position of person who completed assessment</b>	<ul style="list-style-type: none"> <li>● Premises licence holder / proposed premises licence holder / designated premises supervisor (DPS)</li> <li>● Personal licence holder</li> <li>● Legal representative</li> <li>● Licensing representative</li> </ul> <i>(Delete as appropriate)</i>

Risk		Good practice measure for general matters	Adopted	N/A	If the measure would normally be adopted, reason(s) why N/A
<b>Lack of knowledge or understanding of the Licensing Act 2003</b>	<b>G 1</b>	<p><b>(a)</b> Well trained staff will contribute to well run premises and a responsible approach to the sale of alcohol, provision of entertainment and late night refreshment. Formal qualifications for your staff, either to personal licence level or to another appropriate standard recognised by bodies such as the British Institute of Innkeepers (BII) would be preferential.</p> <p><b>(b)</b> All staff should be advised of licensing law in writing before they are allowed to serve alcohol.</p> <p><b>(c)</b> Training should also be provided on the premises' specific policies relevant to the operation of the business.</p> <p><b>(d)</b> A record should be kept of the date and name of person trained or advised and be made available for inspection by the police or licensing authority.</p>			

Risk		Good practice measure for the prevention of crime and disorder	Adopted	N/A	If the measure would normally be adopted, reason(s) why N/A
Security in and around the premises	CD 1	<p>(a) <b>An alarm or other security measure</b> should be installed at the premises to protect it when closed or empty.</p> <p>(b) Emergency exits should be alarmed when the premises are open to the public so that staff are immediately notified of unauthorised opening or tampering.</p> <p>(c) Any staff or private areas and cellars should be kept locked and secured whilst the premises are open to the public.</p>			
	CD 2	<p>(a) <b>CCTV</b> should be installed inside and outside the premises. The cameras should cover all internal areas accessible to the public and areas immediately outside the premises. The date and time settings on the system must be correct.</p> <p>(b) The recordings should be in real time and on hard drive with the availability to copy disks for other agencies such as the police.</p> <p>(c) For analogue systems, tapes should be changed daily and used no more than 12 times.</p> <p>(d) Recordings should be kept for a minimum period of 28 days.</p> <p>(e) Staff should be trained in the maintenance and operation of such systems with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p> <p>(f) A trained member of staff should be on duty to operate the system whenever the premises are open.</p>			

	<b>CD 3</b>	<b>External lighting</b> provides an obvious means of crime deterrence. Care should be taken so that lighting does not impact on neighbours.			
	<b>CD 4</b>	<p><b>(a) Security systems should be integrated</b> so that the alarm, CCTV and lighting work together in an effective manner.</p> <p><b>(b)</b> The alarm should be linked to a system that will notify the police if it is activated.</p>			
	<b>CD 5</b>	<p><b>(a) Door staff and / or stewards</b> should be employed at the venue supervise admissions and customers inside the venue.</p> <p><b>(b)</b> Any person performing the role of a door supervisor must be licensed with the Security Industry Authority (SIA) and SIA badges must be clearly displayed whilst working.</p> <p><b>(c)</b> Door staff should be easily identifiable by wearing a uniform, high visibility jackets or arm bands.</p> <p><b>(d)</b> Door staff should sign into a register detailing their full SIA licence number, their name, contact details and the time and date their duty commenced and concluded.</p> <p><b>(e)</b> Stewards and other staff at the premises should also be easily identifiable. Stewards must not be used for supervision of the door.</p>			
	<b>CD 6</b>	<p><b>(a) Effective security policies</b> based on risk assessments can protect your premises, staff and customers from threats, conflict or violence.</p> <p><b>(b)</b> Security policies should be formulated in consultation with a police crime prevention officer.</p> <p><b>(c)</b> All staff must be aware of a premises security policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>			

		(d) Premises should be searched inside and out for suspect packages before, during and after opening hours. Staff should be trained to remain vigilant during opening hours and report any suspicious activity to the Police.			
	CD 7	<b>Security reviews</b> should be held regularly and at least every three months with minutes kept.			
	CD 8	(a) <b>Daily staff briefing and debriefing</b> will enable licensees to improve working practices in their premises.  (b) Briefings can be informal but any problems identified and remedial action taken should be recorded with records kept in the main office.			
<b>Crime and disorder in and around the premises</b>	CD 9	(a) <b>Promoted events</b> may attract larger than usual crowds.  (b) Such events must have a comprehensive risk assessment undertaken by the licence holder and submitted to the Canterbury City Council events team.  (c) It is expected that promoters should have obtained the BIIAB level 2 for large scale music events for over 1500 people.  (d) In the event that a problem should arise during a promoted event, this should be documented by the licence holder and it is expected that a written debrief will be provided to the Canterbury City Council licensing officer and the police licensing officer within 48 hours of the event.			
<b>Crime including conflict, violence or aggression in and around the premises</b>	CD 10	(a) <b>Proper management of the door</b> will depend on the size and type of venue. The number of door supervisors should be determined by a risk assessment taking into account the size of venue and the type of crowd the entertainment is likely to attract, but at the very least on a ratio of 1 door supervisor per 50 customers.  (b) Consideration should be given to a sufficient provision of male and female door supervisors, but at least one female door supervisor should be used.			

	<b>CD 11</b>	<b>A door admissions policy</b> including any age restrictions, expected dress standards or the screening of hand bags should be widely publicised on any promotional material or website and clearly displayed at the entrance to the premises.			
	<b>CD 12</b>	<p><b>(a) Ejecting or refusing entry to persons</b> from the premises if they do not meet your admissions standards or they are known to be violent or aggressive.</p> <p><b>(b)</b> In such cases, an entry should be made in an incident or log book</p>			
	<b>CD 13</b>	<p><b>(a) A policy to manage capacity</b> should be adopted to prevent overcrowding and patrons possibly becoming aggressive through accidental jostling.</p> <p><b>(b)</b> For promoted events and large venues, the use of clickers is essential to record the number of patrons inside the premises.</p> <p><b>(c)</b> For other events or smaller venues, ticket sales or head counts may be appropriate.</p> <p><b>(d)</b> Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons and avoid conflict, violence or aggression within the premises.</p> <p><b>(e)</b> Where a premise holds a special event which is expected to attract a greater than usual number of patrons and in excess of 1000 people, the premises licence holder will be expected to notify the Canterbury City Council licensing officer and the police licensing officer licensing team at least 14 days in advance of the event.</p>			
	<b>CD 14</b>	<b>(a) Alternatives to glass drinking vessels</b> should be considered to prevent glassware being used as an assault weapon, particularly during promoted events.			



		<p>(b) Drinking vessels made from plastic or polycarbonate would be preferential particularly in outside areas.</p> <p>(c) Where alternatives are not used, there should be a robust glass collection policy in place. This should include regular collection of glassware by staff and prevention of glassware being removed from the premises.</p>			
	CD 15	<p>(a) <b>Measures to preserve a crime scene</b> until police arrival, following the outbreak of disorder or any other crime should be clearly documented in a policy.</p> <p>(b) Such a policy should be formulated in consultation with a police crime prevention officer.</p> <p>(c) All staff must receive training on the policy with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p>			
	CD 16	<p>(a) <b>Staff training</b> in conflict management should be provided to give them the knowledge and confidence to deal with difficult situations and reduce crime and disorder at the premises.</p> <p>(b) Training should also cover dealing with, logging and reporting incidents if they occur.</p> <p>(c) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>			
	CD 17	<p><b>Sharing of information</b> with others in the industry. Regular meetings, the use of local radio networks or membership of a local pub / club watch scheme will enable information to be passed on about trouble makers and common problems in the area.</p>			
Drugs and weapons being brought into the premises	CD 18	<p>(a) <b>A zero tolerance policy</b> to the use of drugs, including 'legal highs' and carrying of weapons in the premises should be adopted with a clear "No search No entry" message.</p> <p>(b) Posters can be displayed throughout the premises to remind customers of zero tolerance policy.</p>			

	<b>CD 19</b>	<p>(a) <b>Effective search policies</b> will minimise the opportunity for drugs and weapons to be brought into licensed premises and lead to drug and weapon seizure if attempts are made.</p> <p>(b) The use of search arches and wands may be appropriate in some cases.</p> <p>(c) Search policies should be formulated in consultation with the police licensing officer.</p> <p>(d) Search policies must be advertised widely on tickets, promotional leaflets and on websites and prominently in the premises entrance and queuing area.</p> <p>(e) Searches should always be carried out in public areas and covered by CCTV.</p> <p>(f) All staff must be trained on search policies with a record kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>			
	<b>CD 20</b>	<b>Calling the police</b> if customers are suspected of being in possession of drugs or weapons. All staff must be made aware of this requirement.			
	<b>CD 21</b>	<p>(a) <b>Seizing, retaining and documenting</b> any drugs or weapons found with a clear audit trail and a process for surrendering them to the police.</p> <p>(b) A search policy should clearly set out procedures that must be followed by staff should they find drugs or weapons during a search including circumstances when the police should be called; the use of tamper proof bags and safe storage of seized items in a lockable box; details that need to be recorded and how / when seized items should be surrendered to the police.</p>			
	<b>CD 22</b>	<p>(a) <b>Supervising toilet areas</b> can be effective in discouraging drug selling or use.</p> <p>(b) A toilet attendant may be appropriate for promoted events or on busy nights such as Friday and Saturday.</p>			

		<p>(c) Regular toilet checks such as swabbing should be considered and where conducted, these should be documented with date, time and finding recorded.</p> <p>(d) Removal of flat surfaces in toilet areas can reduce the likelihood of drug misuse.</p>			
	<b>CD 23</b>	<b>Drug awareness training</b> should be provided for all staff. A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.			
<b>Theft from premises or lost property</b>	<b>CD 24</b>	<b>Bag hooks (Chelsea clips)</b> should be provided to prevent bag snatching.			
	<b>CD 25</b>	<b>Clear signage</b> should be displayed throughout the premises about crime prevention and to warn customers of the potential for pickpockets and bag / laptop snatchers.			
	<b>CD 26</b>	<b>Property patrols, managed cloakrooms</b> and toilet attendants can be employed to prevent theft from patrons or the premises.			
	<b>CD 27</b>	<b>Premises layout and lighting</b> should be considered. Secluded or dimly lit parts of the premises should be avoided as they can encourage crime.			
	<b>CD 28</b>	<b>Mirrors</b> used throughout the premise can aid supervision and act as deterrents to thieves.			
	<b>CD 29</b>	<b>A lost and found policy</b> should be in place in relation to lost / found property at the premises. The policy should include procedures regarding the logging and disposal of property and in particular any valuable property. Passports and any other ID found should be handed in to any police station.			
	<b>CD 30</b>	(a) <b>Carefully positioning alcohol</b> in retail premises can reduce theft from the premises. Alcohol is a key target for shop thieves so it is best not to place alcoholic beverages within			

		<p>the first few metres near the door as this allows thieves to 'grab and run'.</p> <p>(b) It may be helpful for alcohol display areas to be covered by CCTV if possible.</p>			
	<b>CD 31</b>	<b>Security tagging</b> any items considered a specific target for theft, particularly alcoholic drinks over a certain price level will deter thieves.			
<b>Disorder from customer s queuing to enter the premises or when leaving the premises</b>	<b>CD 32</b>	<p>(a) <b>Reduce the potential for excessive queue lines</b> with a well managed and efficient door policy. Long queuing times can cause people to become agitated or aggressive. Searches should therefore be conducted as quickly and effectively as possible.</p> <p>(b) Door staff will be required to refuse entry to premises to customers who do wait outside premises in a quiet and orderly fashion.</p>			
	<b>CD 33</b>	<p>(a) <b>A customer dispersal policy</b> can minimise the potential for disorder from customers leaving the premises. A policy should clearly set out measures to avoid a mass exit at the end of the evening such as a gradual change in music style and increasing lighting levels.</p> <p>(b) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p>			
	<b>CD 34</b>	<p>(a) <b>Staff training</b> in preventing disorder should be provided to give them the knowledge and confidence to deal with difficult situations.</p> <p>(b) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority</p>			
<b>Customer s getting drunk and dealing with drunken</b>	<b>CD 35</b>	<p>(a) <b>Drinks promotions</b> should be socially responsible and not encourage excessive drinking.</p> <p>(b) A documented policy on responsible drinks promotions should</p>			

<p><b>customer s</b></p>		<p>be in place at the premises and should adhere to industry codes such as those recommended by the British Beer and Pub Association (BBPA) and The Portman Group. This is in addition to adherence with the mandatory licensing condition regarding irresponsible promotions.</p> <p><b>(c)</b> Any drinks promotion should market the availability of soft drinks.</p>			
	<p><b>CD 36</b></p>	<p>(a) <b>Staff training</b> on the effects of alcohol and how to spot early signs of customers becoming drunk should be provided to give them the knowledge and confidence to deal with drunken patrons.</p> <p>(b) Staff should be aware of their responsibilities under the Licensing Act 2003 and be able to recognise appropriate 'cut off' points for serving drunken customers, so as to reduce the likelihood of fights or aggressive behaviour.</p> <p>(c) When staff are collecting glasses, they can interact with customers and assess the levels of drunkenness. Any concerns should be reported back to a manager.</p> <p>(d) A record should be kept of the date and name of person trained. Records should be made available for inspection by the police or licensing authority.</p>			
	<p><b>CD 37</b></p>	<p><b>A duty of care policy</b> regarding persons suffering adversely from the effects of drink should be in place at the premises. The policy should clearly express that every effort will be made by staff to prevent patrons from deteriorating to an uncontrolled intoxicated extent. All staff must be briefed on the policy.</p>			
	<p><b>CD 38</b></p>	<p><b>Drink-aware posters</b> can be displayed in the premises to remind customers of the unit content in alcoholic drinks and the safe alcohol consumption limits.</p>			

<b>Consumption of alcohol on the street and street drinkers</b>	<b>CD 39</b>	<b>Restrict the sale</b> of strong beer and cider above 5.5% ABV and the sale of single cans or bottles of beer and cider. Such sales can contribute to anti social behaviour and disorder through the consumption of alcohol on the street and in open spaces by street drinkers or persons who are already drunk.			
<b>Sale of alcohol outside permitted hours</b>	<b>CD 40</b>	<b>Lockable shutters</b> can be fitted on display units for alcohol in retail premises, which can be closed and locked at the end of permitted hours.			
<b>Tackling sexual harassment and discrimination</b>	<b>CD 41</b>	<b>Staff and SIA operatives training</b> in a zero tolerance policy to sexual harassment and discrimination to deal with:  (a) unwelcome sexual gestures and sexual innuendos confidence to deal with drunken patrons. (b) groping, pinching or smacking someone's body without consent (c) exposing sexual organs to someone (d) entering the opposite sexes toilet  derogatory comments or gestures based on someone's age, gender, race orientation or ability.			
<b>Reporting criminal offences</b>	<b>CD 42</b>	<b>Premises licence holders are requested to report all criminal allegations to the police</b> , eg theft, drug possession, fraudulent documentation. It is then a matter for the police as to what is the appropriate action to take.			

<b>Risk</b>		<b>Good practice measure for public safety</b>	<b>Adopted</b>	<b>N/A</b>	<b>If the measure would normally be adopted, reason(s) why N/A</b>
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<p><b>General safety of staff and customers</b></p>	<p><b>PS 1</b></p>	<p><b>(a) A full risk assessment is</b> encouraged taking into account public safety should be carried out at the premises to identify potential hazards posed to staff or customers and setting out precautions to manage the hazards. A risk assessment should be regularly reviewed at least every 12 months.</p> <p><b>(b)</b> All staff should be made aware of the risk assessment and precautionary measures therein.</p> <p><b>(c)</b> A copy of the risk assessment should be kept at the premises and made available for inspection.</p>			
	<p><b>PS 2</b></p>	<p><b>First aid boxes</b> should be available at the premises and maintained with sufficient in-date stock.</p>			
	<p><b>PS 3</b></p>	<p><b>(a) A recognised qualification in first aid</b> should be held by at least one member of staff who should be on duty at all times the premises licence is in use.</p> <p><b>(b)</b> Other staff should be trained to a basic first aid standard with records kept of the date and name of person trained.</p>			
	<p><b>PS 4</b></p>	<p><b>A first aid room</b> or quiet room should be made available to anyone requiring medical attention.</p>			
	<p><b>PS 5</b></p>	<p><b>Temperature levels</b> and humidity in venues should be controlled for the comfort and safety of customers. An environment that is too hot or too cold can make customers irritable. Premises should be adequately heated and ventilated to avoid this. This can be achieved through use of air conditioning systems or natural ventilation in non-residential areas. Before installation, please check with the Council's planning department for advice as to whether this is permissible.</p>			
<p><b>Overcrowding</b></p>	<p><b>PS 6</b></p>	<p><b>A documented capacity</b> should be set for the premises overall and for individual rooms within the premises. Capacity can be determined by a risk assessment in consultation with the fire safety authority. The risk assessment should consider</p>			

		factors such as floor space, numbers of toilets, potential queuing time and available fire exits.			
	<b>PS 7</b>	<p><b>(a) A policy to manage the capacity</b> should be adopted to prevent overcrowding and localised overcrowding.</p> <p><b>(b)</b> The use of electronic clocking systems, clickers, ticket sales or head counts may be appropriate.</p> <p><b>(c)</b> Consideration should be given to deliberately running below capacity to afford a comfort factor to your patrons.</p>			
<b>Accumulation and disposal of glasses / drinking vessels</b>	<b>PS 8</b>	<p><b>(a) A glass collection policy</b> should include provisions for regular collection of glassware by staff and the prevention of glassware from being taken into external areas. Glassware should not be allowed to accumulate or cause obstruction.</p> <p><b>(b)</b> Perimeter checks should be made outside the premises for any glasses or bottles.</p> <p><b>(c)</b> All staff must be made aware of the glass collection policy and their responsibility for the task.</p>			
	<b>PS 9</b>	<b>Spillages and broken glass</b> should be cleaned up immediately to prevent floors from becoming slippery and unsafe.			
	<b>PS 10</b>	<b>Bottle bins</b> should be secure at all times and away from public areas.			
<b>Accident or other emergency incident on the premises</b>	<b>PS 11</b>	<p><b>(a) A written policy</b> to deal with all types of accidents and emergency incidents should be in place at the premises.</p> <p><b>(b)</b> The policy should be based on risk assessments and include matters such as emergency management, contingency planning and evacuation procedures in the event of fire, bomb threats or suspect packages and when to contact emergency services.</p> <p><b>(c)</b> Evacuation responsibilities and roles should be clearly communicated to staff, routes and exits</p>			



		<p>should be well defined and evacuation plans exercised regularly.</p> <p>(d) A copy of the fire risk assessment should be kept at the premises and made available for inspection by the fire authority and licensing authority.</p>			
	<b>PS 12</b>	<p><b>A fire detection system</b> should be in place at the premises and should be fully functional at all times. The system should be tested regularly with records kept and made available for inspection.</p>			
	<b>PS 13</b>	<p><b>(a) Means of escape</b> in case of any emergency must be clearly visible, unobstructed and well maintained including areas outside exits leading to a place of ultimate safety such as the street.</p> <p><b>(b)</b> Checks should be carried out before opening each day to ensure that exits are unlocked and unobstructed.</p>			
	<b>PS 14</b>	<p><b>Equipment should be checked and maintained</b> regularly with a record kept of the date and findings of the checks.</p>			
	<b>PS 15</b>	<p><b>(a) Staff training in fire safety</b> and any premises safety policy should be provided for all staff to give them the knowledge and confidence to deal with emergency situations, including location of equipment, utilities, services and layout of premises. Training should include how to use fire extinguishers.</p> <p><b>(b)</b> Records should be kept of the date and name of person trained and made available for inspection.</p>			
	<b>PS 16</b>	<p><b>An accident book</b> should be kept in order to record all accidents or incidents and made available for inspection.</p>			
<b>Drug use or drink spiking</b>	<b>PS 17</b>	<p><b>(a) A zero tolerance policy</b> to the use of drugs in the premises should be adopted.</p> <p><b>(b)</b> Posters can be displayed throughout the premises to remind customers of the zero tolerance policy.</p>			

	<b>PS 18</b>	<b>Refusing entry</b> to anyone who appears to be showing signs of drug use and contacting the emergency services in appropriate circumstances. In such cases, an entry should be made in an incident log book.			
	<b>PS 19</b>	(a) <b>A duty of care policy</b> regarding persons suffering adversely from the effects of drugs should be in place at the premises. The policy should include drug awareness training for all staff so that they can recognise the effects of controlled drugs and provide medical attention where necessary.  (b) All staff must be briefed on the policy. A record should be kept of the date and name of person trained.			
	<b>PS 20</b>	(a) <b>Prevent the possibility of drink spiking</b> by offering various anti-drink spiking products to customers.  (b) If a customer suspects that their drink has been spiked, you should report it to the police immediately. A process for this should be clearly set out in your duty of care policy.			
	<b>PS 21</b>	<b>A 'chill out' area</b> should be provided. This should be cooler and quieter than rest of venue.			
<b>Smoking on the premises</b>	<b>PS 22</b>	<b>Staff should be aware</b> of their responsibilities regarding smoke-free legislation and for monitoring compliance.			
<b>Safety of customers when leaving the premises</b>	<b>PS 23</b>	<b>Discourage drink driving</b> by promoting schemes such as designated driver, with notices clearly displayed throughout the premises.			
	<b>PS 24</b>	(a) <b>Display information</b> to customers with regards to safe options for travelling home. Information should include access to licensed taxi cabs or licensed private hire vehicles, the location of taxi ranks and public transport facilities including night bus options.  (b) Provide a free taxi phone service and a safe waiting area for customers inside the premises.			

	<b>PS 25</b>	<p>(a) A <b>'chill out' period at the end of an evening</b> can allow a slow dispersal from the premises allowing door staff to gain a handle on problem individuals, preventing arguing over taxis or congregation at takeaways and clashes with groups from other venues.</p> <p>(b) Provision of food and non alcoholic drinks during a chill out period can be effective in allowing customers to sober up before leaving the premises.</p>			
	<b>PS 26</b>	<p>(a) <b>Increased lighting</b> inside the premises should be considered towards the end of an evening to affect the alertness of customers before they leave the premises.</p> <p>(b) <b>Increased external lighting</b> particularly in car parks under the direct control of the licence holder will provide added safety for customers as they leave the premises. Care should be taken so that lighting does not impact on neighbours, particularly in and close to established residential areas.</p>			

<b>Risk</b>		<b>Good practice measures for the prevention of public nuisance</b>	<b>Adopt ed</b>	<b>N/ A</b>	<b>If the measure would normally be adopted, reason(s) why N/A</b>
<b>Music, singing and speech noise breakout from the premises</b>	<b>PN 1</b>	<p>(a) A <b>noise management policy</b> should be in place that sets out sound attenuation measures to prevent or control music, singing and speech noise breakout from the premises.</p> <p>(b) The policy should be based on the findings of an acoustic consultant's assessment.</p> <p>(c) All staff should be trained on the content of the policy to ensure a commitment to good noise management. A record should be kept of the date and name of person trained and made available for inspection by the licensing authority or environmental health responsible authority.</p>			

		(d) DJs, event promoters or other entertainment providers should be made aware of the policy in advance of any performance.			
	<b>PN 2</b>	<p>(a) <b>Windows and doors should be kept closed</b> whilst the premises licence is in use to prevent noise breakout. Ventilation should be provided by mechanical means.</p> <p>(b) Windows should be sound insulated.</p> <p>(c) Emergency exits should be sealed acoustic doors.</p> <p>(d) A lobbied area should be provided at the entrance and exit to the premises.</p> <p>(e) Doors should be fitted with self closing devices.</p>			
	<b>PN 3</b>	<p>(a) <b>A sound limiting device</b> should be installed, set and sealed at a level approved by an acoustic consultant.</p> <p>(b) The sound limiting device should be used at all times that relevant regulated entertainment is taking place, including all externally promoted events.</p> <p>(c) Only the premises licence holder or a nominated deputy and the designated premises supervisor should have access to the sound limiting device.</p>			
	<b>PN 4</b>	<p>(a) <b>Locate entertainment facilities</b> such as DJ booth, stage and loud speakers away from doors and windows.</p> <p>(b) Rubber speaker mounts can be used to minimise structure borne noise.</p>			
	<b>PN 5</b>	(a) <b>Methods for monitoring noise</b> should be included in a noise policy. Methods could range from simple perimeter checks and listening tests by the licence holder / staff to a detailed measurement taken by a qualified consultant using sound measuring equipment.			

		(b) Noise monitoring should actively be carried out on a regular basis and in particular when a new form of entertainment is introduced at the premises, when alterations are made to the premises or when a complaint is made directly to the venue.			
	<b>PN 6</b>	(a) <b>A log book</b> should be kept of any noise monitoring carried, the findings and any remedial action taken. The log should indicate whether it was routine noise monitoring or the result of a complaint.  (b) The log book should be made available for inspection by the licensing authority or environmental health responsible authority.			
	<b>PN 7</b>	<b>A contact telephone number</b> should be made available to local residents and businesses which they can use to report noise disturbances to a responsible person at the venue as and when they occur. The phone line should be available at all times the licence is in use.			
<b>Noise and nuisance from customers arriving and leaving the premises</b>	<b>PN 8</b>	(a) <b>Reduce the potential for excessive queue lines</b> with a well managed and efficient door policy.  (b) Long queues should be avoided and any queues should be directed away from residential properties.  (c) Queues should be actively managed by door staff, especially later in the evening, to keep noise to a minimum. Rowdy behaviour from people queuing to get in should not be tolerated.  (d) Door staff should refuse entry to anyone behaving in an anti-social way.  (e) Restrict admittance or re-admittance to the premises after 23:00.			
	<b>PN 9</b>	(a) <b>A customer dispersal policy</b> can minimise noise disturbance to local residents from customers leaving the premises. A policy			

		<p>should clearly set out measures to avoid a mass exit at the end of the evening.</p> <p>(b) A gradual change in music style and reduction in volume, for example quiet or mellow music towards the end of an evening and increasing lighting levels can help to reduce the potential for rowdy behaviour.</p> <p>(c) Sufficient staff should be available at the end of the evening to manage a controlled shut down of the premises and maintain good order as customers leave.</p>			
	<b>PN 10</b>	<p>(a) <b>Display prominent notices</b> close to the exit doors, requesting patrons to leave the premises and quickly and quietly.</p> <p>(b) Display notices in car parks reminding patrons that they are in a residential area and to leave quickly and quietly and not to slam doors, rev engines, sound horns or play loud music.</p> <p>(c) Make announcements at the end of an evening, requesting patrons to (i) leave the premises and area quickly and quietly (ii) to use toilet facilities before leaving.</p>			
	<b>PN 11</b>	<p>(a) <b>Provide a free taxi phone service and an internal waiting area</b> for customers to prevent noise disturbance to neighbours.</p> <p>(b) Steps should be taken to ensure that any taxi operators used and all their drivers are aware that they should arrive and depart as quietly as possible and should not sound their horns or leave engines idling unnecessarily.</p>			
<b>Noise and nuisance from customers using external areas such as beer gardens or</b>	<b>PN 12</b>	<b>Display prominent signs</b> in external areas such as beer gardens and forecourts asking customers to keep noise to a minimum.			

forecourts					
	PN 13	Restrict the use of external areas after 22:00 if premises are in a residential area.			
	PN 14	<p>(a) Door supervisors or staff should regularly monitor and manage external areas to ensure that customers are not causing a disturbance to local residents.</p> <p>(b) For private forecourts, a physical barrier such as a rope should be used to mark the boundary of the area outside the premises where customers are allowed.</p> <p>(c) Limit the number of smokers permitted outside at any one time after a certain time.</p> <p>(d) Discourage smokers from loitering outside by not permitting them to take their drinks with them and removing external furniture after a certain time.</p> <p>(e) Locate smoking areas away from residential premises.</p> <p>(f) Do not permit customers to congregate on and block the public highway to passers by.</p>			
Noise from staff and entertainment providers leaving the premises	PN 15	Staff and performers who depart late at night or in the early hours of the morning when the business has ceased trading, should conduct themselves in such a manner as to avoid causing disturbance to nearby residents. This includes the loading and unloading of artists' equipment.			
Noise and disturbance caused by deliveries, collections and	PN 16	Commercial deliveries, collections and storage / disposal of waste, including beer deliveries, refuse collections and storage / disposal of waste and recyclables in external areas should be restricted to normal working hours between 08:00 and 18:00 Monday to Friday.			

waste disposal					
Litter and waste around the premises	PN 17	(a) <b>Flyers should not be distributed outside the premises</b> by the licence holder or any staff employed by the licence holder.  (b) Licence holders should ensure that promoters of events at their premises do not distribute flyers outside the premises.			
Litter collection	PN 18	(a) <b>Procedures should be in place</b> for the prompt collection of street litter generated by the premises for example flyers, cigarette butts or food wrappers.  (b) Regular patrols of the area outside the premises should be undertaken by staff to clear any litter attributable to the premises.  (c) Use wall or floor mounted cigarette bins in designated smoking areas for customers.			
Disturbance from external lighting	PN 19	<b>External lighting</b> for the premises should be turned off after the premises are closed to the public.			
Noise or odours from plant and machinery	PN 20	<b>Plant and machinery should not cause nuisance</b> to local residents by way of noise, odours or vibration. Acoustic measures such as screening, enclosures, anti-vibration mounts, silencers or timing clocks should be used if necessary.			

Risk		Good Practice Measure for Protection of Children from Harm	Adopted	N/A	If the measure would normally be adopted, reason(s) why N/A
Children accessing licensed premises	CH 1	(a) <b>A documented policy</b> setting out measures to protect children from harm should be in place at the premises. The policy should consider all activities associated with the premises			



		<p>including the sale of alcohol and the provision of regulated entertainment and when children should be allowed on or restricted from the premises.</p> <p>(b) All staff including door staff and bar staff should be trained on the policy.</p>			
	<b>CH 2</b>	<p>(a) <b>Restrict access to children</b> depending on the nature of the business and / or circumstances.</p> <p>(b) The admission of children can be restricted up until a specified time in the evening.</p> <p>(c) The admittance of children can only be permitted if they are accompanied by an adult.</p>			
<b>Underage sales of alcohol</b>	<b>CH 3</b>	<p>(a) <b>Operate a strict ‘No ID, No Sale’ policy. ‘Challenge 25’ scheme</b> serves as a reminder to staff of the need to be vigilant in preventing underage sales and to customers that it is against the law for anyone under 18 to purchase alcohol.</p> <p>(b) A ‘Challenge 25’ scheme gives staff additional support and encouragement to ask for ID from any person appearing to be under 25 years of age to prove that they are over 18.</p> <p>(c) Only accept photographic driving licences, passports or PASS (Proof of Age Standards Scheme) cards approved as means of ID. If you accept other forms of ID such as EU National ID cards, these must bear a photograph, date of birth and holographic mark.</p> <p>(d) Use till prompts to remind staff to ask for proof of age.</p> <p>(e) Prominently advertise the scheme in your premises so that customers are aware, in particular, display proof of age signs at the point of sale.</p>			

	<b>CH 4</b>	<b>Display posters at the premises</b> stating that it is an offence to purchase alcohol on behalf of an underage person (proxy sales).			
	<b>CH 5</b>	<b>Adverts or promotions for alcohol should not</b> appeal to young persons.			
	<b>CH 6</b>	<p>(a) <b>Keep a refusals book</b> (or refusal button on EPOS – Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18.</p> <p>(b) The book should contain the date and time of the incident, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused.</p> <p>(c) The book should be made available to police and authorised council officers on request.</p> <p>(d) The book should be reviewed on a regular basis to see if any patterns emerge.</p>			
	<b>CH 7</b>	<p>(a) <b>Staff training</b> in the age related sections of the Licensing Act 2003 should be provided to all door, bar and till staff. This includes the ability to competently check customers' identification where necessary.</p> <p>(b) A record should be kept of the date and name of person trained.</p>			
<b>Access to age restricted films</b>	<b>CH 8</b>	<p>(a) <b>Adequate provisions for restricting children</b> from viewing age restricted films should be in place at the premises.</p> <p>(b) Staff should be trained to check ages at point of sale and prior to entry to a screening room to ensure that admission of children to films is in accordance with the recommendations of the British Board of Film Classifications (BBFC).</p>			
<b>Access to age restricted</b>	<b>CH 9</b>	<b>Age restricted gaming or vending machines</b> should have suitable signage setting out the age restrictions and should be in full view of staff for monitoring.			

gaming machines					
Access to entertainment of an adult nature	CH 10	<p><b>Children under the age of 18 should be excluded</b> from the premises or part of the premises when specified activities such as adult entertainment are taking place.</p>			
	CH 11	<p><b>Adverts for entertainment of an adult nature should not be displayed externally</b> on the premises or in any part of the premises internally where they can be seen by young persons.</p>			

## Appendix C

## Declaration

Completion of the declaration is completely voluntary

<b>Name</b>  <b>Name of premises and premises reference number</b> <i>(If there is one)</i>	
<b>Address</b>	
<b>Contact</b> Mobile telephone numbers  Landline number  e-mail address	
<b>Date</b>	
<b>Position of person who completed Declaration</b>	<ul style="list-style-type: none"><li>● Premises Licence Holder / Proposed Premises Licence Holder / Designated Premises Supervisor (DPS)</li> <li>● Personal Licence Holder <i>(Delete as appropriate)</i></li></ul>
<b>Statement of Licensing Policy</b>	I hereby declare I have read the Statement of Licensing Policy including the Code of Practice <i>(Delete as appropriate)</i>
<b>Full Risk Assessment</b>	I hereby declare I have / have not completed the Full Risk Assessment template <i>(Delete as appropriate)</i>

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## Appendix D

### **Standard TEN**

**When is it required?**

To cover *Licensable Activities* for a maximum of 499 people

**What are Licensable Activities?**

- Sale of alcohol
- Supply of alcohol
- Provision of regulated entertainment, eg plays, films, indoor sporting event, boxing, wrestling, performance of live music, playing recorded music, performance of dance
- Provision of late night refreshment

**Who may apply?**

Anyone aged 18 years and over, subject to *Limitations*

**What are the Limitations?**

- 50 times per calendar year for a Personal Licence holder
- 5 times per calendar year for other people
- 12 (15 from 01.01.16) times per calendar year for particular premises (
- Maximum period for each TEN is 168 hours / 7 days
- Maximum of 21 days in a calendar year to individual premises

*NB* if an event starts before midnight and ends after midnight, it counts as 2 days

**How do I apply?**

Electronic Application via gov.uk to Canterbury City Council – CCC will then notify the Police and Environmental Protection

OR

2 hard copies of the Application to CCC – the Applicant must also serve a copy on the Police and Environmental Protection

**When do I apply?**

10 working days before the Event

In calculating the period, the following are not counted

- The date the Notice is received
- Saturdays, Sundays, Bank Holidays, Christmas day and Good Friday
- The first date of the Event

**Who may object?**

The Police and Environmental Protection

**When may they object?**

3 working days excluding the day of receipt from when they are given notice of the Application BUT they can only object in accordance with any of the 4 Licensing Objectives:

1. *Prevention of crime and disorder*
2. *Public Safety*
3. *Prevention of public nuisance*
4. *Protection of children from harm*

**What happens if no objection is lodged?**

The TEN is validated and you will be sent the Notice

**What happens if an objection is lodged?**

CCC will arrange a hearing before the Licensing Sub-Committee to consider the Application; the Sub-Committee may Grant the Application, impose Conditions, if TEN on Licensed Premises, or refuse the Application

## Late TEN

**When is it required?  
What are Licensable Activities?**

To cover *Licensable Activities* for a maximum of 499 people

- Sale of alcohol
- Supply of alcohol
- Provision of regulated entertainment, eg plays, films, indoor sporting event, boxing, wrestling, performance of live music, playing recorded music, performance of dance
- Provision of late night refreshment

**Who may apply?**

Anyone aged 18 years and over, subject to *Limitations*

**What are the Limitations?**

- 10 out of 50 times per calendar year for a Personal Licence holder
- 2 times out of 5 times per calendar year for other people

*NB* if an event starts before midnight and ends after midnight, it counts as 2 days

**How do I apply?**

Electronic Application via gov.uk to Canterbury City Council – CCC will then notify the Police and Environmental Protection

OR

2 hard copies of the Application to CCC – the Applicant must also serve a copy on the Police and Environmental Protection

**When do I apply?**

Not less than 5 but no more than 9 working days before the Event

In calculating the period, the following are not counted

- The date the Notice is received
- Saturdays, Sundays, Bank Holidays, Christmas day and Good Friday
- The first date of the Event

**Who may object?**

The Police and Environmental Protection

**When may they object?**

3 working days excluding the day of receipt from when they are given notice of the Application BUT they can only object in accordance with any of the 4 Licensing Objectives:

1. *Prevention of crime and disorder*
2. *Public Safety*
3. *Prevention of public nuisance*
4. *Protection of children from harm*

**What happens if no objection is lodged?**

The TEN is validated and you will be sent the Notice

**What happens if an objection is lodged?**

The Ten is not validated and the Notice is terminated. No right of hearing or appeal





## Appendix E



## **Intervention Meeting**

Welcome to Canterbury where the leisure industry is an important part of our City's cultural, employment and financial life. Equally important is the residents' right to enjoy their homes. Canterbury City Council wants members of the public, residents, local business, Councillors and Officers to engage in constructive dialogue to resolve any issues that arise through compromise and cooperation.

The Council is keen to support the local economy whilst ensuring that this aligns this with the needs of the local community as a whole, and in particular, residents and neighbours.

The experience of the Officers is that a significant:

- (i) number of concerns relate to noise levels and / or anti-social behaviour
- (ii) proportion of issues can be solved amicably without the need for a formal complaint.

Canterbury City Council would like to offer the opportunity for premises licence holders and anyone that has a concern about the operation of a business with a premises licence, eg public house, restaurant, bar, club etc to discuss any issues in an informal atmosphere in order to reach an acceptable and reasonable solution for all concerned.

It must be stressed that no one is compelled to participate in the process but parties are encouraged to take part as an Intervention Meeting could provide a speedy, satisfactory and cost effective conclusion without resorting to lengthy and onerous enforcement action and / or Licensing Sub-Committee Hearings and / or Court proceedings. In addition, a positive outcome for all concerned, promotes good relations in the future to resolve issues directly.

If you wish to request an Intervention Meeting, please complete the form below and return it to [business.support@canterbury.gov.uk](mailto:business.support@canterbury.gov.uk)

Information received by all parties will be exchanged before the meeting, so parties can understand and look to address any issues raised with the aim to find a resolution within the meeting. The process will terminate at any stage if any person wishes to withdraw.

**Part 1 Name (*Please print*):**

**Contact details – please complete on reverse**

**Premises concerned:**

**Address of premises:**

	Party 1	Party 2 Premises Licence Holder	Premises Licence Implications CCC Licensing Officer	Resolution / Outcome Review Date
What is /are the issues which you are looking to address and resolve?				
Is this an issue that you have raised before, and if so what was the outcome?				
What would you hope to see put in place to address and resolve the issues				

**Name (*Please print*):**

**Address:**

**Contact details:    e-mail**

**Telephone number(s)**

**Please tick this box if you authorise The Licensing Officer to share your contact details with other parties, including the premises licence holder, in respect of this matter. The information will only be shared for the purposes of the Intervention Meeting.**

**Please return the completed form to [Business.Support@CANTERBURY.GOV.UK](mailto:Business.Support@CANTERBURY.GOV.UK)**

## Appendix F

## Enforcement Actions / Options

1	<p>The initial contact between the licensing authority and licence holder / business will normally be informal with the provision of advice, guidance and support.</p>
2	<p>Enforcement action can include the following progressive approach to achieve compliance:</p> <ul style="list-style-type: none"> <li>● verbal advice which may be documented</li> <li>● written advice</li> <li>● verbal warning which will be documented</li> <li>● written warning</li> <li>● statutory notice</li> <li>● formal caution</li> <li>● prosecution</li> </ul> <p>The individual circumstances of the breach of the legislation will determine the appropriate level of enforcement. In the case of a premises licence, the council or a responsible authority or other person may apply for a review.</p> <p>All actions will be considered in accordance with the requirements of the Human Rights Act 1998 and considered on its individual merits.</p> <p>On conviction of a relevant offence magistrates may endorse, suspend or revoke a personal licence.</p> <p>Council officers, police or crown prosecution service may relating to such a conviction remind the Magistrates of their power to endorse, suspended or revoke a personal licence.</p>
3	<p>When prosecution is being considered, the relevant enforcement bodies will on a case-by-case basis decide which is the lead authority to prosecute the offence.</p> <p>Regard will be taken of the code of practice made under Section 10 of the Prosecution of Offences Act 1985 and issued by the Crown Prosecution Service. Due consideration will be given to any guidance and / or advice issued by government, local authority, association and other professional and technical bodies.</p> <p>Statements will be provided as regard to evidence from one agency to another as necessary.</p> <p>Before deciding whether to prosecute the following factors will be considered:</p> <ul style="list-style-type: none"> <li>● the seriousness of the alleged offence</li> <li>● the history of the person / business concerned</li> <li>● the willingness of the business / individual to prevent a reoccurrence of the problem and the level of cooperation with council officers, police and / or other agencies</li> <li>● whether it is in the public interest to prosecute</li> <li>● the realistic prospect of conviction</li> <li>● whether any other action (including a formal caution) would be appropriate</li> </ul>

- the views of the complainant and other parties with an interest in prosecution.

The licensing authority takes a proactive stance towards proper regulation of, and enforcement of the provisions of the legislation.

The licensing authority will normally take the lead on issues including:

- noise
- production and display of relevant licences and documents
- unauthorised licensable activities in relation to the provision of regulated entertainment
- breaches of conditions of Premises Licences
- breaches of requirements under Temporary Events Notices
- exposing and keeping alcohol for unauthorised sales.

Other breaches of the Act will be dealt with either directly or jointly as indicated above. The licensing authority will give full cooperation to any other agency in carrying out their investigations.

## Appendix G



## Exercise and Delegation of Functions

All decisions on licensing matters under the 2003 Act, with the exception of the approval and review of the statement of licensing policy will be taken in accordance with the following scheme of delegation aimed at underlining the principles of timely efficient and effective decision making.

### Delegation of functions

<b>Matter to be dealt with</b>	<b>Licensing Committee</b>	<b>Licensing Sub-Committee</b>	<b>Officer</b>
Application for personal licence with no unspent relevant convictions			All cases
Application for personal licence with unspent relevant convictions		If a police objection	If no police objection
Application for premises licence / club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application to vary premises licence / club premises certificate		If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a police objection	All other cases
Request to be removed as designated premises supervisor			All cases

Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence / club premises certificate		All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc		Non-straightforward cases that the licensing officer or legal officer consider whether the matter should be referred to the licensing sub-committee.	Straightforward cases in consultation with legal officer
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police or Environmental Health objection to a Standard temporary event notice		All cases	
Determination of a police or Environmental Health objection to a Late temporary event notice			All cases – automatic refusal
Minor variations			All cases
Amendment to licences when		All cases	All cases

conditions and / or activities are made redundant through legislation			
More than two amusement with prizes machines on licensed premises		All cases	All cases

This form of delegation is without prejudice to officers referring an application to a licensing sub-committee, or to the full committee, if considered appropriate by the licensing officer or sub-committee in the circumstances of the particular case and where permitted by legislation.

## Appendix H

## Useful Contacts

### Canterbury City Council Licensing Authority

Canterbury City Council  
Military Road  
Canterbury CT1 1YW

Email: [business.support@canterbury.gov.uk](mailto:business.support@canterbury.gov.uk)

### Police licensing team

Canterbury Police Station  
Old Dover Road  
Canterbury CT1 3JQ

Email: [James.Gall@kent.police.uk](mailto:James.Gall@kent.police.uk)

### Environmental Health

Canterbury City Council  
Military Road  
Canterbury CT1 1YW

Email: [EnvHealth@canterbury.gov.uk](mailto:EnvHealth@canterbury.gov.uk)

### Health and Safety Executive

<http://www.hse.gov.uk>

### Institute of Acoustics

<http://www.ioa.org.uk>

### Secured by Design

[www.securedbydesign.com](http://www.securedbydesign.com)

### Information sources used in the preparation of this guide:

Association of Licensed Multiple Retailers (ALMR)  
(incorporating BEDA – Bar Entertainment and Dance Association)

<http://www.almr.org.uk>

### Best Bar None

<http://bbnuk.com>

### British Beer and Pub Association (BBPA)

(Licensed Property: Noise Control, Managing Safety in Bars, Clubs and Pubs)

<http://www.beerandpub.com>

### British Institute of Innkeeping (BII)

<http://www.bii.org>

### City of London Corporation licensing

(Statement of Licensing Policy 2011) and Code of Conduct

<http://www.cityoflondon.gov.uk>

### Department for Communities and local government (DCLG)

<http://www.communities.gov.uk>

### Drinkaware

<http://www.drinkaware.co.uk>

**Health and Safety Executive**

<http://www.hse.gov.uk>

**Home Office (alcohol and drugs)**

(Home Office guidance issued under S182 of the Licensing Act 2003)

<http://www.homeoffice.gov.uk/drugs/>

**Institute of Acoustics**

<http://www.nactso.gov.uk>

**The Portman Group**

<http://www.portmangroup.org.uk>