

FINAL DRAFT
SWALE BOROUGH COUNCIL
LICENSING POLICY
Statement of Licensing Policy 2010

This Statement of Licensing Policy of Swale Borough Council was prepared under Section 5 of the Licensing Act 2003 with regard to Guidance issued by the Secretary of State for Culture Media and Sport under section 182 of the Licensing Act 2003 in June 2007. Approved for publication by Council on **DATE**. To be operative from **DATE**.

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Licensing Policy Vision Statement:

“Transform Swale economic, social and environmental prospects, so that it is one of the best places in Britain, in which to live, work, learn and invest”

Foreword:

“Statement from Leader / Chief Executive or Portfolio Holder”

PART ONE: Overview of the Licensing Policy.

1.1 Introduction:

Swale Borough Council is the Licensing Authority under the provisions of the Licensing Act 2003 and responsible for the administration of licensing applications and enforcement. The ‘Statement of Licensing Policy’ was approved by Council on **DATE** (see Appendix 1).

The council has had regard to the revised Guidance issued by the Secretary of State in June 2007 and satisfies its requirements under section 5 of the Act. This document has been produced to set out how the council, will carry out its licensing functions with a view to promoting the four licensing objectives (Section 4(2) of the Licensing Act 2003):

- Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Prevention of Children from harm.

When the Licensing Authority is discharging its functions under the Licensing Act 2003, it will present clear reasons for any need to depart from the Guidance issued by the Secretary of State, or from this Statement of Licensing Policy. It will always consider the circumstances of each application and may make exceptions to its own policy where it is appropriate to do so, in order to promote the licensing objectives.

Through this Statement of Licensing Policy, we aim for:

- the introduction of better and more proportionate regulation to give business greater freedom and flexibility to meet their customers' expectations;
- greater choice for consumers, including tourists, about where, when and how they spend their leisure time;
- the encouragement of more family friendly premises where younger children can be free to go with the family;
- the further development within communities of live music, dancing and theatre, both in rural areas and in our towns;
- the regeneration of areas that need the increased investment and employment opportunities that a thriving night-time economy can bring;
- and;

- the necessary protection of local residents, whose lives can be blighted by disturbance and anti-social behaviour associated with the behaviour of some people visiting places of entertainment.

1.1.1: Description of Swale Borough:

Swale Borough is the fourth largest district in Kent and covers an area of 364 squares kilometres and with a population of 130,300, and 57,000 households (Swales Sustainable Community Strategy 2009-2026). It is a prime location, within 40 miles from London and the channel ports, but set in the Kentish Countryside. It is a diverse Borough containing three distinct towns; each have developed and maintained its own identity and character.

The borough benefits from 139 pubs and bars, 50 restaurants, 2 nightclubs and 79 licensed convenience stores. The entertainment industry brings cultural and financial benefits to the area and the Council believes that good management of its licensed premises, and of the street environment within which it operates, is essential to the Council's vision of making Swale a place that people can live, work, learn and invest.

Faversham Town

Faversham is an important historic market town and the enhancement of the town's social, economic and environmental fabric is a central part to the Licensing Policy. Faversham has continued its links with agriculture up to the present day with brewing and food processing comprising the town's main industry. The licensing Policy seeks to promote a strong and diverse local economy, and provide opportunities for new employment; we are keen to bring a café culture into the town, that will bring colour and vitality, but not at the expense of diversity and distinctiveness.

Sheerness Town

Sheerness provides goods and services primarily for the resident population of the Isle of Sheppey, only specific services, such as the town's supermarket, attracts shoppers from further afield. The licensing Policy seeks to promote activity, colour and vitality within Sheerness, all day and into the evening, though this diversity should not come at the expense of the existing quality of life. In particular to make the town more attractive to visitors, proposals that will stimulate the evening economy will be supported, but should be aimed more at the holiday market and leisure entertainment facilities (Swale Borough Local Plan, adopted February 2008).

The Island's coast, in particularly Leysdown, became a popular destination for visitors from London in the post-war period and continues to thrive today. Leysdown has particular importance to Swale largely due to the Caravan Parks, which are an important feature of the landscape.

Sittingbourne Town

Sittingbourne prospered as a market town, but has since focused on industrial manufacturing. The Development Control Department has recently published

a proposal to re-develop Sittingbourne town centre, and applicants are advised to review 'The Sittingbourne Town Centre Master plan', available through Development Control. The Master Plan comprises the town's retail heart and its more secondary shopping areas, together with those other elements important to the functioning of the town and the night-time economy. The Master Plan promotes a considerable growth of the town as a retail centre to minimise the need for people to travel elsewhere.

1.1.2: Relationship with Planning:

The use of any licensed premises or place 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 while planning's concerns relate to the character and function of an area. Aspects of amenity that fall short of being a public nuisance; are outside the scope of the licensing regime.

(For example, a large restaurant might be unacceptable in a conservation area characterised by small retail units on planning grounds of character and function, whereas licensing grounds of public nuisance might not apply.)

The local Planning Authority is a responsible authority and can make representations on applications. However it can only make representation relating to the licensing objectives. Nuisance and crime and disorder are shared concerns of planning and licensing, and a combination of licensing and planning powers are required to tackle these problems (see revised Guidance, paragraph 13.39).

1.1.3: Partnership Working:

The Licensing Authority will continue to improve its service standards and promote the licensing objectives, by consulting with outside authorities, business and residents that use our service. We will continue to improve communication with all licensing bodies and our councillors, and through a close working partnership with the Crime and Disorder Reduction Partnership (CDRP) we strive to meet the needs of the local communities under Section 17 Crime and Disorder Act 1998.

The council has adopted a variety of strategies to protect and promote the Borough. These initiatives are to prevent anti-social behaviour, noise and deprivation of the street environment. (Please see 1.2 Related Strategies and Initiatives.)

This Statement of Licensing Policy anticipates partnership between the council and licensees, as it expects every holder of a Licence, certificate or temporary event notice, to be responsible for minimising the impact that their activities will have on the local community; both environmental and anti-social behaviour. The licensing function is not the primary mechanism for controlling anti-social behaviour from patrons once they have left the vicinity (see Glossary) of licensed premises and beyond the direct control of the licensee;

in these circumstances other mechanisms will be used, where appropriate. (Please see 1.2.2: Swale Safe.)

1.2 RELATED STRATEGIES AND INITIATIVES

1.2.1: Designated Public Place Order: Alcohol Control Zone.

The Criminal Justice and Police Act 2001 introduced the power for local authorities to designate a public place as an 'alcohol control zone'. This means that a police officer has the power to request a member of the public, behaving in an anti-social manner, to surrender any alcohol on their person...

Any person that refuses to surrender their alcohol may be arrested, convicted to a maximum fine of £500 or issued with a fixed penalty notice. If an offender surrenders their alcohol but continues to behave in an anti-social manner then they may be arrested and convicted of a Public Order offence.

Swale Borough Council introduced a 'Designated Public Place Order' on Sittingbourne Town Centre on 1 August 2008, and as a result of its success, implemented the same order in Leysdown and Sheerness on 17 July 2009 (Please see Appendix 8 for further information).

The key aims for implementing these orders in Swale are to:

- provide additional powers to police to deal with persistent street drinking and alcohol related anti-social behaviour
- reduce disturbances in public places which are alcohol related
- reduce drunkenness in public places
- contribute to the range of actions which are being delivered to reduce alcohol misuse
- reduce the numbers of street drinkers and hotspot areas through combining enforcement with outreach services.

1.2.2: Swale Safe.

Swale Safe is a partnership that works with Swale's business community, Kent Police and Swale Borough Council. It is an active part of the night-time economy and aims to prevent anti-social behaviour, not only in individual premises but also within the town centres; so that socialising can be enjoyed by all ages without fear of violence or crime.

Swale Safe's aims are to:

- support commerce in Swale;
- help protect staff, stock, premises and customers;
- to create a reduction in crime within Swale.

Members of Swale Safe are linked via a monitored radio network that enables instant communication with other licensed premises, Kent Police and the CCTV control centre. Swale Safe distributes information about criminals and anti-social behaviour that may have a direct effect on licensed premises and

offers support in excluding persistent offenders from entering premises, through the use of exclusion orders.

1.3 RELEVANT LEGISLATION

Many other statutory requirements apply to licensed premises such as fire safety, planning, building control, public health, food hygiene and trading standards and the council must have regard to the importance of doing all that it reasonably can do to prevent crime and disorder in exercising all its functions (under Section 17 of the Crime and Disorder Act 1998).

These regulatory regimes will be properly separated as described in revised Guidance (paragraph 13.64), and suggests that applications for a new premise licences would normally be from applicants with planning consent for the property concerned; however applications for licenses may be made before any relevant planning permission has been sought or granted by the planning authority.

The council is committed to avoiding duplication with other regulatory regimes as far as possible. Conditions will only be attached to premises licences if they are considered necessary to promote the licensing objectives and are not required under other legislation (revised Guidance, paragraph 13.19). A list of relevant legislation is listed in Appendix 7. Outline below, is a description of other legislation or regimes that Licence Holders should be aware of, the Licensing Authority advises applicants to seek additional information.

1.3.1: Live/ Recorded Music Licence.

The Performance of, or playing of, live music or recorded music may require an additional licence from the Performing Rights Society (PRS) or PPL. Both are a non-profit making organisation who collect and pay royalties to music writers, composers and publishers, when their music is distributed to the public whether publicly performed or made publicly available by broadcast.

Any location or premises outside the home, where music is played (i.e. clubs, village halls, dentist waiting rooms, takeaways and retail shops) the owner or proprietor of the premises is normally responsible for obtaining a 'Music Licence', from one of the above agencies; this is in conjunction with any Premises Licence granted under the Licensing Act 2003. (See Contacts for further information)

1.3.2: The Motion Picture Licensing Company (MPLC).

A licence from The Motion Picture Licensing Company (MPLC) or Filmbank is legally required for all films screening outside of a cinema or at home. The annual licence entitles the holder to screen unlimited films throughout the year to a non-paying audience. It should also be noted that Film Societies and Community Cinemas can also be licensed on a fee per title basis. Whether you need a licence from MPLC or Filmbank, depends on which film you are

screening and which market your business operates in. (see Contacts for further information)

1.3.3: Smoke-free Legislation

Under the Health Act 2006, the Smoke-free legislation was introduced across England on 1 July 2007 with the purpose of protecting employees, service users, customers and visitors from exposure to second hand smoke. This changed the way many people in England socialised, and dramatically effected Licensed Premises.

All premises that are open to the public must be smoke-free, and an A5 sign must be placed on the entrance to the building to signify this. It is not a function of the Licensing Authority to deal with breaches under the Health Act 2006, but Licence Holders are advised to seek further information.

For more information visit www.SmokefreeEngland.gov.uk.

PART TWO: THE POLICY

2.1: Policy Approach

The Licensing Authority only has discretion on whether to grant applications for new premises licences or variations to existing premises licences (see appendix 3), and to impose conditions on granting licenses if representations relevant to the licensing objectives are made by “interested parties” (local residents and businesses) or by “responsible authorities” (see glossary) within prescribed time. Otherwise, the Licensing Authority must grant all applications for Premises Licences. Therefore, the Licensing Authority will only consider these policies when such relevant representations have been made.

There are 4 types of policy in this statement; each policy supports each of the licensing objectives. These apply to all applications. They contain criteria and considerations that will be relevant depending on the type and nature of the application. They refer to matters that may be the subject of conditions.

When relevant representations are made, the Licensing Authority will apply the relevant parts of these policies to applications (including those for provisional statements, for variation to premises licence and similar applications related to club premises certificates for qualifying clubs) for:

- A new licence
- An increase in the capacity of the premises
- An extension in the hours of operation of the premises
- A change to the way the premises operates in regard to the Operating Schedule, which will have an impact on the promotion of the licensing objectives
- Varying an existing condition attached to a premises licence, which will have an impact on the promotion of the licensing objectives

As described in revised Guidance (paragraph 8.33-34), these policies will not apply to an application to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

2.2: Policies supporting the Licensing Objectives.

These policies are intended to help applicants by setting out criteria and considerations that they should have in mind when drawing up an Operating Schedule. While the criteria, because they relate to the licensing objectives, will apply to all applications to some degree, the considerations listed may not necessarily apply or apply equally to all applications. These considerations have been developed with reference to the licensing objectives and in conjunction with the responsible authorities.

They therefore alert applicants to the matters that responsible authorities will be likely to consider when deciding whether to make representations on an application or whether to call for a review. They also draw the attention of applicants to matters that are likely to be subject of conditions designed to promote the licensing objectives that may be attached to the grant of a licence. (Please see Appendix Two for further information)

PART THREE: APPLICATION PROCESS

3.1: Advice and Guidance.

The Licensing Department, Environmental Services, Kent Police and Kent & Medway Fire and Rescue will offer as much advice and guidance to applicants as resources permit. Pre-application discussions are positively encouraged and we advise all applicants to consult with each of the Licensing Authorities before submitting an application.

Once an application has been submitted, there are fixed timescales for consultation, which may restrict the opportunity for mediation. This is particularly important for large scale events, both under a premises licence or a Temporary Event Notice.

3.2: Risk Assessment and Operating Schedule.

As a matter of best practice, the council advise that risk assessments should be produced, specific to the premises, proposed licensable activities and proposed hours of trading. Risk assessments should have regard to the:

- location of the premises
- individual style and characteristics of the premises
- proposed licensable activities and use type
- proposed hours of operation, and
- anticipated number of persons who will be on the premises when licensable activities are taking place.

Furthermore, where a risk assessment has been carried out and a risk identified, the council will normally expect the applicant's Operating Schedule to include steps that the applicant proposes to overcome or address that risk.

A risk assessment is also advised for premises, proposing to have live or recorded music, to assess the impact on the local area, especially if this should be within a residential area. Under the 'Control of Noise at Work Regulation' there is a requirement for operators to assess noise, to protect their staff from the exposure of noise. (see 'Control of Noise at Work Regulation' Appendix 7).

Operating Schedule

Operating Schedules allow the applicant to advise the licensing authority, interested parties and responsible authorities how they intend to ensure that the operation of their premises will promote the licensing objectives.

The operating schedule forms part of the application. It sets out the type of activity to be provided and the times it will be provided, and secondly it includes steps that will be taken to prevent that licensable activity impacting unfavourably on the licensing objectives.

The following types of applications have operating schedules set out within the application form:

- applications for new premises licenses and new club premises certificates.
- variations of Premises Licence and club premises certificates; and
- provisional Statements.

Premises and use type vary enormously and it is important that Operating Schedules are specific to the premises and use type in respect of which the application is made. Applicants should therefore make informed judgments as to the steps that may need to be taken to promote the licensing objectives and consider whether these steps need to be included within the Operating Schedule.

3.3: Application Process.

Every application received, whether for the issue of a personal or premises licence, will be treated in accordance with this policy, the Act and the revised Guidance (June 2007). If no relevant representations are received then the licence will be issued automatically. However, in the case of a premises licence or club premises certificate, conditions will be attached as are mandatory under the Act and are consistent with the operating schedule accompanying the application.

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.

3.3.2: Premises Licence & Club Premises Certificate.

A premises licence is required for any premises offering licensable activities (see glossary). Once a licence is granted it is valid for the life of the business, however an annual administration fee is applicable. The application for a premises licence must set out the terms of operation, and these will become the main conditions of any licence. It must also include a floor plan of the premises, and other general details.

A premises licence that includes sale of alcohol must name a designated premises supervisor, who must themselves have a personal licence, and who must counter-sign the application.

The 2003 Act recognises that premises to which public access is restricted and where alcohol is supplied other than for profit, give rise to different issues for licensing law than those presented by commercial enterprises selling direct to the public.

Although the procedure for applying or seeking to vary a club premises certificates is similar to a premises licence, the Club Operating Schedules, must include the steps the club intend to take to promote the licensing objectives.

These will be translated into conditions and imposed onto the certificate, unless the conditions have been modified by the Licensing Authority following consideration of relevant representations by responsible authorities or interested parties.

3.3.3: 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, subject to the provisions of the Act. The applicant for a provisional statement should seek advice from its legal advisor or the council's Licensing Team.

3.3.4: Personal Licence.

The sale of alcohol, because of its wider impact on the community, and its relation to crime and anti-social behaviour, carries with it greater responsibility than that of late night refreshment and the provision of regulated entertainment. This is why, a person who wishes to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence must apply for a personal licence.

The Licensing Authority has little discretion regarding the grant of these licences. In general, provided that an applicant has a qualification determined by DCMS and does not have any unspent convictions (schedule 4 of the Licensing Act 2003); the application has to be granted.

Applications should be made to the Licensing Authority for the area in which the applicant is ordinarily resident or, in any other case, may be made to any licensing authority. Applications for a personal licence must be made on a prescribed form and once granted will last for a period of 10 years.

Police may object to the grant of a Personal Licence, if an applicant has a relevant conviction, in these circumstances the licensing committee will carefully consider the application at a hearing. The determination will be based on the Crime and Disorder objective and the seriousness and relevance of the conviction(s), the period that has elapsed since the offence(s) and any other mitigating circumstances.

3.3.5: Designated Premises Supervisor.

Any premises, that authorises the sale of alcohol, may employ one or more personal licence holders. However under the Licensing Act 2003 the premise licence must contain the details a specified individual, amongst those personal licence holders, to act as the Designated Premises Supervisor.

The main purpose of the 'Designated Premises Supervisor' is to ensure that there is always a single person that can be readily identified for the premises. The Licensing Authority will normally expect the DPS to have been given day-to-day responsibility for running the premises by the Premises Licence Holder.

All applications to appoint a person as the premises supervisor must be accompanied by a form of consent from that person, to accept the role and responsibilities.

The Police are the only authority that can make representation on any application to vary the Designated Premises Supervisor, on the grounds that the transfer may undermine the crime prevention objective. Where the police object to the application to transfer, the matter will be heard before the licensing sub-committee.

These provisions as to Designated Premises Supervisor do not apply to Club Premises Certificates and in certain circumstances community premises (see Part Five).

3.3.6: Temporary Event Notice.

The Licensing Act 2003 allows for small scale events (for less than 500 people at any one time and lasting no longer than 96 hours) which include any licensable activities to be held without the need for a premises licence. However advance notice must be given to the Licensing Authority and Kent Police (Revised Guidance, paragraph 7.3 and 7.21).

Only the police can object to a temporary event notice on the grounds of crime and disorder. Applicants are encouraged to consider the implications that the event will have on the licensing objectives and local residents, especially when these events are proposed for outdoors.

Under the Licensing Act, the number of temporary event notices that a Personal Licence holder can make is limited to 50 per calendar year. People who are not personal licence holders can only give notice of 5 events in any one year. The number of times a premise can be subject to a Temporary Event Notice, within one calendar year, is limited to 12 notices or 15 days (whichever comes first). In any other circumstances, a full premises licence or club premises certificate would be required for the period of the event involved (revised Guidance 7.5 and 7.7).

Temporary Event Notices must be made using the prescribed form, and although the statutory notice requires the form to be served on the Licensing Authority and police 10 working days prior to the event, the council would prefer that organisers give a minimum one months notice.

One month's notice is desirable to check that the limitations set down in the Act are being observed, and that there are no limitations or restrictions under other legislation (revised Guidance, paragraphs 7.9-7.11 and 7.28), and to hold a hearing if there are objections from the police, or they seek the notice to be modified (revised Guidance 7.26). The police must make their representation within 48 hours.

Organisers may choose to notify the Licensing Authority and the police of multiple events at a single time (revised Guidance, paragraph 7.16). Organisers of outdoor events are strongly advised to contact the councils Safety Advisory Group (see Contacts), a panel of experts that can advise organisers of issues relating to Health and Safety, Crowd Control etc. The council's Environmental Department and the Fire Authority will receive notice of these events from the council and will give advice on request.

They may monitor the events to ensure it is in accordance with legislation, although the police are the only body able to intervene to prevent such an event taking place. The Environmental Department has the powers under the Environmental Protection Act 1990 to serve an abatement notice on any place that is causing, or may cause, a Statutory Nuisance.

3.3.7: Large Scale Events.

Organising a Public Event is a complex process involving liaising with a number of statutory agencies such as the Council, the Police, Kent Fire and Rescue and Kent Highways Agency. The Licensing Authority helps event organisers to follow the correct process for conducting events in a safe, legal and successful manner. As part of the 'Swale Safety Advisory Group', we can liaise with the Emergency Services, Kent Highways and anyone else who may need to be involved on your behalf.

Swale Borough Council is committed to encouraging the use of public open space, highway and amenity areas across the borough for community events. If you are planning to host an event in a public open space, we can help you through our Event Application Process. This includes help with any permissions and/or licenses you may need, as well as advice with general event coordination. The Event Application Process relates to the safe management of organised public events. It is not intended to impact on

individual civil liberties or *freedom of assembly and association* as described in Article 11 of the Human Rights Act.

This process can take several months in exceptional circumstances so it is best to contact the Licensing Team as early as possible and provide the relevant information. The way an event is processed is dependent on a number of factors, the most significant being how many people the event will attract. If your event is expected to attract fewer than 500 people then we advise that an application is submitted 28 days prior to the event, for events that:

- require a legal road closure
- are likely to attract **more than** 500 people
- are made up of a series of events
- are held over more than one day

We would advise the application, including a 'Traffic Management Plan', be submitted a minimum of three months prior to the event taking place (complies with the 'Traffic Management Act 2004'). If you would like advice and guidance from the very beginning of your event planning, you may like to look at our **Events -Toolkit** on the Swale Council website.

This contains information about organising events - everything from providing toilets and traffic cones, to risk assessments and cleaning up (with reference to 'The Event Safety Guide').

PART FOUR: REPRESENTATIONS, CONDITIONS & COMPLAINTS.

4.1: Irrelevant, Frivolous, Vexatious & Repetitious.

Representations that in the opinion of the Licensing Authority are irrelevant, frivolous, vexatious or repetitious (see Glossary), will not be considered by the Licensing Authority. Representations must be relevant before the Licensing Authority can consider them. This means that they must be:

- made by a responsible authority or an interested party (see Glossary)
- have some evidential link to the premises in question
- address one or more of the licensing objectives

The Licensing Authority Officers will determine on its merits whether any representation is frivolous or vexatious, and where such a determination is made the individual or body making representation will be given reasons why this decision has been reached.

A repetitious representation is one made an unreasonably short time after, and identical or substantially similar to:

- a ground for review specified in an earlier application for review, for the same premises, which has already been determined, or
- representations considered by the licensing authority when the premises licence was first granted;

- or representations which would be made when the application for the premises licence was first made and which were excluded by the prior issue of a provisional statement

Such repetitious representations will not be considered except under exceptional and compelling circumstances or where it arises following a closure order.

4.2: Interested Parties

Interested Parties include residents and businesses in the vicinity of premises where an application for a premises licence or a qualifying club certificate has been made or an application for a variation to an existing premises licence or qualifying club certificate (see Section 13: Licensing Act 2003).

The Policing and Crime Act 2009, was passed through the Houses of Parliament and received Royal Assent on 12 November 2009. Included within this Act was the provision for Local Councillors to make representations on a licensing application or seek a review of licensed premises in their own right (See Part 5.1.3: Elected Members Involvement for further information).

4.3: Conditions

The Licensing Authority will not impose any conditions, apart from the mandatory conditions on the sale of alcohol and on the exhibition of films (revised Guidance paragraph 10.44 – 10.64), unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations (revised Guidance paragraph 10.1). Conditions will be focused on matters that are within the control of individual licensees and will centre on the premises and the vicinity of those premises.

The primary focus will be on the direct impact of the licensed premises activities on members of the public living, working or engaged in normal activity in the area concerned (revised Guidance, paragraph 13.17).

Where existing legislation already places certain statutory responsibilities on an employer or operator of premises these will not be duplicated as conditions. However, these general duties will not always adequately cover specific issues that arise on the premises in connection with certain entertainment, and in these cases additional measures in the form of condition will be required to promote the licensing objectives.

Conditions include any limitations or restrictions attached to a licence or certificate, and are essentially the steps the holder of the premises licence or the club premises certificate will be required to take when licensable activities are taking place at the premises in question.

The licensing Authority will not impose conditions which replicate matters that constitute the offences set out in Part 7 of the Licensing Act e.g. unauthorised licensable activities; allowing disorderly conduct; sale of alcohol to any person who is drunk or is underage. Nevertheless, the licensing authority will take into account any breaches of conditions and offences under the Licensing Act when considering the imposition of conditions in reviews and the variation of licences.

When granting variations to licenses, the Licensing Authority will apply conditions to replicate the effect of previous undertakings where relevant to the premises and the promotion of the licensing objectives.

The council will utilise 'works conditions' to the effect that the premises will not be operated until specified works are completed or measures put into place to the satisfaction of the relevant responsible authorities. This is an expedient way of resolving technical matters which cannot be readily determined at hearings.

4.4: Enforcement.

It is essential that licensed premises operate in accordance with the Licensing Act and to ensure the promotion of the licensing objectives. Part of the Licensing Authority's role is to monitor premises and take appropriate action to ensure that the licensing objectives are promoted.

In accordance with revised Guidance, paragraphs 13.21 and 13.22, the Licensing Authority will work alongside the police in promoting the licensing objectives. The 'Kent and Medway Licensing Protocol' was approved in February 2008 and agrees the appropriate responsibilities and procedures for joint working and enforcement between these two agencies.

The council is committed to the principles of good enforcement by carrying out these regulatory functions in a fair, open and consistent manner. Inspections, enforcement, and where appropriate, surveillance under the Licensing Act will be based on the principles of risk assessment, identifying incidents of violent crime, disorder and nuisance in and around licensed premises.

The Licensing Authority will need to be satisfied that premises are being run in accordance with the Licensing Act and any licensing conditions, which may be attached to the premises licence. The frequency of inspections will need to be determined on risk-based criteria, with high-risk operations receiving more attention than premises carrying low public safety/ nuisance risks.

4.5: Complaints.

Any complaints received by the council about unlicensed activity or the way a licensed premise may be operating will be dealt with in accordance with the council's Corporate Enforcement Policy and may result in an adjustment to the risk rating, promoting more frequent visits.

We recognised the interest of local residents and will work with businesses in an attempt to resolve issues that are of concern. In all cases the person whom

the allegation has been made, will be notified of the complaint, and they will be assisted in meeting the four licensing objectives. The licence holder can be assured that:

- they will receive clear explanations from the enforcement officers of what needs to be done and by when, and
- be given the opportunity to resolve those differences before formal enforcement action is taken – unless immediate action is needed.
- They will receive an explanation of their rights to appeal.

Responsible Authorities and/or residents living within the vicinity of the licensed premises can request a review of a licence by completing the prescribed form. We do not normally expect more than one review within a 12 month period, on substantially similar grounds, except where it arises following a closure order.

4.6: Appeals

Applicants and those making representations in respects of applications and reviews to the Licensing Authority, have a right of appeal to the magistrate's court against the authority's decisions.

PART FIVE: CHANGE IN LEGISLATION & CASE LAW.

5.1: Changes in Legislation.

There have been some changes to the Licensing Act 2003, since it became operative in 2005. Those changes occurred in 2009 and 2010 and are briefly outlined below:

5.1.1: Minor Variations.

A new process came into effect from 29 July 2009, which allows a licence holder to make small changes to an existing premises licence or club premises certificates (which will not affect one or more of the licensing objectives), without the need for a full variation application

This new process is simpler, quicker and less costly for the premises licence or club premises certificate holder. The process differs from a full variation as follows:

- The application will be determined in 15 working days instead of up to 2 months;
- Local residents and businesses only have 10 working days to comment rather than the usual 28 consecutive days;
- No hearings are necessary as minor variation requests are either granted or rejected by the Licensing Officer;
- No press advertisement is needed, only a **white** (instead of the usual blue) notice needs to be displayed on the premises;
- The licence/certificate holder does not have to serve the application on responsible authorities as the Licensing Officer will contact them and

seek feedback on whether the licensing objectives are likely to be affected;

- Conditions can not be imposed under this process but can be volunteered as part of an application or after discussion with the responsible authorities. A minor variation may ask for existing conditions to be amended, or even removed, where the licensing objectives would be unaffected by it.

The intentions behind change in the legislation was to link in with better regulation principles of minimising administrative cost burdens on local businesses and to respond to the current economic climate, encourage premises to stay competitive and encourage cultural and community activities.

There are some circumstances that can not be considered minor variations, which are as follows:

- Adding sale and supply of alcohol as an activity or increase the amount of time during a day that alcohol may be sold;
- Authorising any sale or supply of alcohol between 11pm and 7am;
- DPS can not be varied under this process;
- 'Substantial variations' or extending period licence has effect for.

Other requests will be assessed on a case by case basis. Pre-application discussion with responsible authorities is recommended. There are no hearings under the minor variation process, the application will be determined by Licensing Officers, taking into account any representations received.

When an application for a Minor Amendment is received, the Licensing Officer will determine whether or not the application can be considered as a minor amendment. If the application requires a full variation, then the application form and fee will be returned to the applicant.

If the application for a 'Minor Variation' is refused on the grounds of the Licensing objectives being affected by the proposal, then the applicant will need to apply for a full variation (or in some cases a new application). In the event of a rejection, the Licensing Officer will advise the applicant of the reasons, but the fee can not be refunded.

5.1.2: Village Halls.

The Licensing Act 2003 requires that a mandatory condition is placed on all premises licences requiring a designated premises supervisor to be specified and that every sale of alcohol be authorised by the holder of a personal licence. The Government has issued a Legislative Reform Order that enables church halls and community premises to apply for removal of this condition and have an alternative condition added that makes the management committee responsible for the sale or supply of alcohol.

At present, each premises licence issued under the Licensing Act 2003 has a mandatory condition that the premises must have a designated premises supervisor and that every sale of alcohol must be authorised by a personal licence holder.

Many church and community halls have found this requirement difficult and costly to meet, especially as they are often staffed or run by volunteers. Many have opted to obtain premises licences that do not allow the sale or supply of alcohol and rely instead on Temporary Event Notices with the limitations that they impose.

The Government has issued the Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls & c.) Order 2009. This will enable church and village halls and similar community premises to have that condition removed when they apply for a premises licence. An alternative condition will be added to the licence that makes the management committee of the premises responsible for all sales.

Church halls, community and similar premises that currently hold a premises licence can only remove the mandatory condition by means of a full variation. This may not be done under the new minor variations procedure.

If no representations are made, and the authority is satisfied that the arrangements for the management of the premises are sufficient to ensure adequate supervision of the supply of alcohol, then the alternative licence condition is to be included.

A safeguard exists in that, in exceptional circumstances, the Chief Officer of Police may make representation if it is believed the inclusion of the alternative condition would undermine the crime prevention objective. Any responsible authority and/or interested party can seek reinstatement of the mandatory conditions through a review of the licence.

5.1.3: Elected Members Involvement

The Policing and Crime Act 2009 will allow local councillors and members of the Licensing Authority to make representations to licensing applications as 'interested parties' with effect from 29 January 2010, this will include the power to apply for a review of a premises licence. They are not required to live in the vicinity of the premises and do not have to be representing someone who does. The term 'members of the Licensing Authority' refers only to councillors, and not officers or other employees of the authority.

The Licensing Authority will put forward a proposal to full Council, to agree a protocol on how Swale Borough Council will exercise its functions under the Act.

PART SIX: THE GLOSSARY

CHILDREN

There are several definitions of children under the Licensing Act 2003. A child is defined for the purposes of Section 145 of the Act as an individual aged under 16. For the purposes of the Act, children are considered to be unaccompanied if they are not in the company of an individual aged 18 or

over (Section 145(2) of the Licensing Act 2003 Chapter 17). The Act makes it an offence to allow unaccompanied children on the premises used exclusively or primarily for the supply of alcohol for consumption on the premises. It is also an offence to allow unaccompanied children under 16 at other premises supplying alcohol for consumption on premises with a premises licence, club premises certificate or temporary event notice between 00:00 and 05:00.

Section 146 of the Licensing Act 2003 on sale of alcohol to children makes it clear that the sale of alcohol to any individual under 18 is an offence. In Section 20, for the purposes of the exhibition of film, 'children' means a person under 18.

COMBINED USE PREMISES

Premises that operate as multi-use premises where there is more than one use and the uses are not dependent on, or part of, the other uses, i.e. ancillary to them. Examples include: café/bar/nightclub; restaurant/nightclub; public house/restaurant; bar/performance venue, etc. These types of premises sometimes operate in different ways throughout the day and night and may vary their operation over the days of the week.

FRIVOLOUS

A representation or complaint is trivial (i.e. silly).

INTERESTED PARTY

Please see Part 4.2: Interested Parties and Elected Members involvement for further information.

IRRELEVANT

A representation or complaint, that does not relate to the Licensing Act 2003 or the Licensing Objectives.

KARAOKE

Singing by members of the public to musical backing or accompaniment. Usually involving pre-recorded music and numbers of members of the public signing in series.

LATE NIGHT REFRESHMENT PREMISES

A premises providing late night refreshment at any time between the hours of 23:00 and 05:00. This consists of the supply of hot food or hot drink to member to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises. (Schedule 2: Licensing Act 2003).

LICENSABLE ACTIVITIES

Those activities under the Licensing Act 2003 which required a licence from the Licensing Authority (council) include the following:

1. the sale by retail of alcohol

2. the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club
3. the provision of regulated entertainment
 - performance of a play
 - exhibition of a film
 - indoor sporting events
 - boxing and wrestling
 - live music
 - recorded music
 - performance of dance
4. the provision of late night refreshment.

PERSONAL LICENCES

This is a licence which:

1. is granted by a Licensing Authority to an individual in the local authority area where they usually reside, and
2. authorises that individual to supply alcohol, or authorise the supply of alcohol in accordance with the premises licence (Part 6, Section 111(1) Licensing Act 2003).

The Licensing Act 2003 specifies the tests that may be applied when determining an application for a Personal Licence (Part 6, Section 120). Any individual is only permitted to hold one Personal Licence (Part 6, Section 118). Personal Licences will need to be renewed every ten years (Part 6, Section 115).

QUALIFYING CLUB

These clubs are organisations where members have joined together for particular social, sporting or political purposes and have then combined to buy alcohol in bulk as members of the organisation for supply to the club. There are technically no sales of alcohol by retail at such premises except to guests when guests make a purchase. Such clubs have traditionally not been 'licensed'; they have registered with the magistrates' court having established that they qualify to be treated exceptionally. The 2003 Act preserves this special treatment and requires the club to 'qualify' to be outside the normal premises licence arrangements. The new authority for the supply of alcohol and provision of other licensable activities on qualifying club premises is a club premises certificate and this is issued by the Licensing Authority.

A qualifying club will normally be permitted under the terms of a club premises certificate to sell alcohol and supply alcohol to its members and their guests only. In order to be a qualifying club, instant membership is not permitted and members must normally wait at least two days between their application and their admission to the club. Any qualifying club may choose to obtain a premises licence if it decides that it wishes to offer its facilities commercially for use by the general public, including the sale of alcohol to them.

Such qualifying clubs should not be confused with propriety clubs, which are clubs run commercially by individuals, partnerships or businesses for the purposes of profit and which require a premises licence and are not eligible to be qualifying clubs.

REGULATED ENTERTAINMENT

Includes both entertainment and the provision of entertainment facilities. Subject to qualifying conditions, definitions and exemptions as set out in Schedule 1 of the Licensing Act 2003, where the following regulated entertainment takes place in the presence of an audience and is provided for the purpose of entertaining that audience. This includes:

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment (indoors and outdoors)
- a performance of live music
- any playing of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance.

There are important exemptions in Section 177 of the Licensing Act 2003 for small premises with a capacity certificated or recommended by the fire authority of not more than 200.

If a premises licence or club premises certificate authorises the supply of alcohol for consumption on the premises and the provision of 'music entertainment' (live music or dancing). If the premises are used primarily for the consumption of alcohol on the premises, and if the premises have a capacity limit of up to 200, any conditions relating to the provisions of the music entertainment imposed on the licence by the Licensing Authority, will be suspended, except where they were imposed as being necessary for public safety or the prevention of crime and disorder.

In addition, if a premises licence or club premises certificate authorises the provision of music entertainment (live music and dancing), and the premises have a capacity limit of up to 200, during the hours of 08:00 and midnight, if the premises are being used for the provision of unamplified live music but no other regulated entertainment, then any conditions imposed on the licence by the licence authority, which relate to the provision of that music entertainment will be suspended.

These exemptions can be disapplied in relation to any condition of a premises licence or club premises certificate following a review of the licence or certificate.

RELEVANT REPRESENTATION

A representation on the likely effect of the grant of an application or the operation of an existing licence on the licensing objectives.

REPETITIOUS

A representation or complaint is that repetitive.

RESPONSIBLE AUTHORITY

These include:

- the Chief Officer of Police
- the Fire Authority
- the enforcing authority for health and safety at work
- the Planning Authority
- the local authority responsible for minimising or preventing the risk of pollution or harm to human health
- the recognised body responsible for the protection of children from harm
- the Trading Standards Authority

See under 'vessels' for the additional responsible authorities for vessels.

SAFER CLUBBING

'Safer Clubbing' is guidance published by the Home Office (Drugs Prevention Advisory Service) January 2002. The key issues identified are:

- Prevention of overcrowding
- Air conditioning and ventilation
- Availability of drinking water
- Further measures to combat overheating
- Overall safety.

SECURITY INDUSTRY AUTHORITY (SIA)

The Security Industry Authority was set up by the Private Security Industry Act 2001. The key role for the SIA involves the managing and issuing of licences for people working in particular areas of the private security business. Another crucial area for the future is developing an approved contractor scheme. More details are available at www.the-sia.org.uk.

SEX ESTABLISHMENT LICENCES

These are defined in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. They are required for sex shops, and for sex cinemas, and sex encounter premises that are not providing regulated entertainment or late night refreshment authorised under the Licensing Act 2003. A change in the law is anticipated during 2010.

STREET DRINKING CONTROLLED ZONE

Under section 13(2) of the Criminal Justice and Police Act 2001 in designated area, the police have the power to require a person not to drink alcohol there and to surrender any alcohol or containers, including sealed containers. It is only an offence to fail to comply with a Police officer's requirements.

VARIATION

A variation is a material change to a premises licence and would include an increase in the capacity of the premises, a change in the hours or operation of the premises, a change in the way the premises is to operate in regard to the Operating Schedule or a request to vary an existing condition attached to the premises licence. Policies relating to variations do not apply to applications to change the name or address of someone named in the licence or an application to vary the licence to specify a new individual as the designated premises supervisor.

VESSELS

A vessel (which includes a ship or a boat or a barge) that is permanently moored or berthed is regarded as a 'premises' situated at that place. The Act also applies in relation to a vessel which is not permanently moored or berthed as if it were premises situated at the place where it is usually moored or berthed. The relevant Licensing Authority is the Licensing Authority for the area in which it is usually moored or berthed. An activity is not a licensable activity if it takes place aboard a vessel engaged on an international voyage. The Secretary of State for Transport represented by the Maritime and Coastguard Agency is the lead responsible authority for vessels with regards to public safety, including fire safety, and issues affecting passenger vessels. Merchant Shipping legislation does not, however, apply to permanently moored vessels, for example, restaurant ships moored on the Thames Embankment.

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities.

VEXATIOUS

A representation or complaint that causes annoyance is troublesome or is harassing or distressing.

PART SEVEN: APPENDICES

APPENDIX ONE: Consultation.

Consultation was carried out with key stakeholders and interested parties on this policy for a formal period of six weeks, from 9 December 2009 to 18 January 2010, satisfying the requirements of the Licensing Act 2003. Representations were reflected in the consideration of the revision of the statement of the Licensing Policy and were placed before the Licensing Committee and Full Council on 24 February 2010. Consideration has been given to the views expressed by those who were consulted on the draft policy.

The consultation timetable was determined by the Secretary of State's issuing of revised Guidance on 28 June 2007 and the requirement for the council to approve the publication of the Revised Statement of Licensing Policy.

Consultation was on the basis of a revised format, a review of the document, outlining issues and proposed directions of change. Consultee's included the following:

- The Chief of Police for the area
- The Police Licensing Officer for Kent & Medway
- The Fire Authority for the area
- Other relevant and interested bodies/authorities
- Persons/bodies representative of local holders of Premises Licenses
- Persons/bodies representative of local holders of Club Premises Certificates
- Holders of a Personal Licence
- Persons/bodies representative of businesses in the area
- Persons/bodies representative of residents in its area.

131 responses to the review document were received (4.6%)

No representation was made by any of the Licensing Authorities.

54 of the responses were from local residents

23 Residents called to enquire about the consultation.

3 hard copies were requested.

6 people had problems accessing the Policy but only one stated it was due to the document being too large for some computers.

APPENDIX TWO: The Policies.

2.2.1: Prevention of crime and disorder

To prevent crime and disorder, the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria

- Whether the premises makes or will make a significant contribution to levels of crime and disorder;
- Whether the Operating schedule is based on an adequate risk assessment, undertaken by the applicant;
- The likelihood of crime and disorder occurring as a result of the grant of the application.

Considerations

- In deciding this, regard will be had to: the levels of crime and disorder in and around the venue; the proposals contained in the Operating Schedule and the level of compliance to conditions on existing licences. This provides a comprehensive but not exhaustive list of conditions, not all of which will be applicable to all premises.

- Whether the layout, lighting and fittings of the premises have been designed so as to minimise conflict and opportunities for crime and disorder.
- Whether the Operating Schedule includes appropriate management measures to prevent crime and disorder.
- Whether the Operating Schedules for pubs and bars or for the provision of facilities for music and dancing have taken into account: the number of people who may be admitted to the premises and the possibility of crowding increasing the likelihood of crime and disorder, the areas set aside for drinking while standing at any time when any licensable activity is taking place, and of the measures set out in Appendix 10 to help prevent crime and disorder and offences under the Licensing Act 2003. Other premises may have to regard these matters in exceptional circumstances.

Reasons for Policy

The Licensing Authority will expect applicants to explain in their Operating Schedule how the operation of the premises will promote the prevention of crime and disorder. For pubs, bars and premises with facilities for music and dancing (e.g. night clubs), a specific assessment is encouraged of how risks of violence and crime in the premises and the vicinity will be managed. This is attached as Appendix 10.

Conditions

Annex D Part 1 of the Secretary of State's revised Guidance sets out matters that may be relevant to the imposition of conditions relating to crime and disorder on licensed premises. The Licensing Authority will tailor appropriate and necessary conditions for premises licences and club premises certificates. Since the matters set out in the Guidance and this Statement of Licensing Policy cannot cover every possible scenario, the council will liaise with the police for advice on appropriate conditions for particular premises. Conditions attached to premises licences and club premises certificates will, as far as possible, reflect local crime prevention strategies as suggested in revised Guidance (paragraph 13.55).

The Licensing Authority may impose a range of conditions on premises licenses or club premise certificates, which include matters referred to in the revised Guidance (paragraph 10.43 and Annex D):

- Prescribed capacity of premises.
- Requirements for an appropriate ratio of tables and chairs to customers, based on capacity, and for areas to be allocated permanently for seated customers in order to prevent overcrowding, which can lead to disorder and violence.
- A requirement for Security Industry Authority registered door supervisors to control numbers of people entering the premises and to deny entry to individuals who appear drunk, disorderly or intent on crime.

- Requirements that drinking vessels be made of toughened glass or plastic or other materials that do not form a sharp edge when broken, and that glass bottles are not passed to customers; This may be a particular concern if drinks are to be consumed outside the premises.
- Restrictions on drinking in areas within and outside the premises.
- Limitations on the types of promotions of alcoholic drinks, so as not to encourage excessive drinking, or drunkenness. (Reference should be made to codes of good practice from responsible authorities and from that industry, such as the British Beer and Pub Association's Guidance on Point of Sale Promotions).
- Procedures for checking the ages of young people who appear under 21 to ensure that alcohol is not sold to those under 18, and that those under 16 are accompanied in alcohol led premises.
- The maintenance of good order by the management, particularly where alcohol is supplied for consumption and where large numbers of people are admitted.
- Dedicated text, pager or other communications between management teams, and the local police stations and other licensed premises to provide early warning of disorder.
- Warning signs about crime prevention measures.
- Clear policies and measure to prevent weapons or illegal drugs being brought onto the premises and measures to discourage the use of illegal drugs.
- The installation and maintenance of appropriately sited closed circuit television cameras (CCTV) to be operational during the period of the licence and other appropriate times both inside and immediately outside the premises which can provide images of a suitable quality for use as evidence.

Other conditions relating to the deterrence and prevention of crime and disorder and initiatives to reduce crime will be drawn up in liaison with the police to deal with particular premises or types of premises where concerns may arise.

2.2.2: Public Safety

To promote public safety the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria

- Whether appropriate and satisfactory general and technical risk assessments, management procedures and certificates have been made available to the relevant responsible authority and to the Licensing Authority, that demonstrate that the public will be safe within and in the vicinity of the premises.

Considerations

- Whether the premises already have a licence or a fire certificate that specifies that maximum number of people that can attend it or be

present and, if not, whether a risk assessment has been undertaken as to maximum number of people who can be present in various parts of the premises, so that they can be operated safely and can be evacuated safely in the event of an emergency.

- Whether there are procedures proposed to record and limit the number of people on the premises with opportunities for 'pass outs' and readmission.
- Whether patrons can arrive at and depart from the premises safely.
- Whether there may be overcrowding in particular parts of the premises.
- Whether music and dance venues and performance venues will use equipment or special effects that may affect public safety (e.g. moving equipment, vehicles, pyrotechnics, strobe lights, smoke machines).
- Whether due account has been given to the measure outline in 'Safer Clubbing' (see glossary) in applications for facilities for music and dancing. The key areas identified are:
 1. prevention of overcrowding
 2. air conditioning and ventilation
 3. availability of drinking water
 4. further measures to combat dancers and others overheating
 5. overall safety
- Whether there are defined responsibilities and procedures for medical and other emergencies and for calling the emergency services.
- The levels of compliance with conditions on existing licences relating to public safety.

Reasons for Policy

The council in its role as Licensing Authority must try to ensure the safety of people visiting and working in licensed premises. The council will need to be satisfied that measures to promote public safety including risk assessments, setting safe capacities, adequate means of escape, and CCTV are put in place and maintained, if not adequately provided for by other regulatory regimes. There are a considerable number of premises without fire safety certificates or licences that specify their safe capacities. In addition, crime, disorder and anti-social behaviour inside and in the vicinity of licensed premises may threaten public safety and affect perceptions of public safety.

Conditions

Annexe D part 2 of revised Guidance sets out matters which relate to conditions on Public Safety. Annexe E in revised Guidance sets out the Safer Clubbing checklist. These will be used to tailor appropriate and necessary conditions for premises licences and club premises certificates (revised Guidance, paragraph 13.20). Where a premise is a vessel for which a current passenger ship certificate is in force, the public safety objective can generally be considered to be met in respect of the premises itself where the operation of the vessel is in accordance with that certificate.

Conditions that may be attached to licences by the Licensing Authority may include the following matters, but other conditions related to public safety may also be attached:

- Checks on equipment at specified intervals.
- Standards to be maintained e.g. temporary electrical installations to comply with British Standards.
- The number of people on the premises appropriate to the activities taking place and reliable ways of counting the number of people on the premises.
- Maintaining and making available a record of inspections, pre-opening and during performance, of fire doors, escapes, and appliances and of the number of people on the premises.
- Ensuring that floors are kept from becoming slippery from spillages or condensation.
- Measures to prevent climbing onto ledges, balconies and speakers.
- Measures to keep sound levels below levels where damage to the hearing of staff and customers is likely to occur (see 'Control of Noise at Work Act' in Appendix 7).
- Management measures to reduce the risks of dancers and others overheating such as affordable cloakrooms, 'chill-out' rooms, breaks from fast dance rhythms, and identifying dancers who may be in distress.
- Provision of facilities for people who are taken ill or injured to contact friends or family, to recover, or be kept safe while awaiting medical assistance.

2.2.3: Prevention of public nuisance.

To prevent public nuisance the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria

- The potential for nuisance associated with the style, characteristics and activities of the business to be carried on at the premises;
- Potential steps which could be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises.

Considerations

Noise and Vibration:

- Whether Operating Schedule contain adequate measures to prevent noise and vibration, whether air borne or structure borne, generated from within the premises, outside it, or from an open site, that may cause disturbance to people in the vicinity. Regard will be had to disturbance of people whether at home, at work, staying in, or visiting the vicinity. However, stricter conditions will be imposed on premises

licences in areas that have denser residential accommodation or have residential accommodation close to them (revised Guidance, paragraph 13.41) see Appendix 9.

Measures to limit noise and vibration:

Applicants will be expected to have included measures in their Operating Schedule, those measures proposed should have regard to the objectives noise criteria set out in Appendix 9, and make adequate provision to:

1. restrict the generation of noise within the premises and from activities associated with the premises in the vicinity, or from an open air site.
2. limit the escape of noise from the premises or open air site.
3. restrict noise emissions to below levels that could affect people in the vicinity going about their business, at work and when at home both while relaxing and while sleeping.
4. minimise and control noise from customers arriving at the premises, or open air site outside it and departing from it.
5. minimise and control noise from staff, contractors and suppliers and their activities,
6. minimise and control noise from vehicles associated with and providing services to the premises or open air site and their customers.

Other environmental impacts:

- Whether Operating Schedules contain adequate measures to prevent:
 1. litter, smells, fumes, dust, tobacco or other smoke, or other emissions
 2. street fouling
 3. light pollution

arising from the proposed licensable activity that may cause disturbance to people in the vicinity.

- Whether the proposed licensable activities will be likely to cause nuisance by congesting the pavement or the roadway, and so impeding reasonable access (including the access required to provide essential services such as refuse collection and street cleaning).
- If the sale of alcohol in open containers or food consumption outside the premises has been proposed, either within open areas which form part of the premises such as forecourts or gardens or outside the premises, whether or not external seating is proposed, the following considerations are relevant.

Eating, drinking and smoking outside premises:

- Whether people standing or sitting outside premises are likely to cause obstruction or other nuisance.
- Whether the premises are under or near to residential accommodation.
- The hours of the sale of alcohol in open containers or food for consumption outside the premises.
- Measures to make sure that customers move away from outside premises when such sales cease.

- Measure to collect drinking vessels and crockery, cutlery and litter.
- The areas proposed for the consumption of food and alcoholic drink.
- Whether there is a need for door supervisors to prevent or to control customers congregating in outdoor areas to smoke, consume food or drink (whether supplied from the premises or not), between certain hours or at all times. There may in addition be particular issues of crime and disorder with regard to outside activities.

(Planning permission and a Table and Chairs Licence will be required for seating for the use of customers on the public highway)

- Whether the proposals would lead to the need for increased refuse storage or waste collection.
- Whether measures would be undertaken to prevent nuisance caused by the storage, handling and collection of refuse and recyclable materials.
- Whether the sale of take-away food is proposed and the measures planned to prevent littering in the vicinity and to clear up any litter that occurs.
- Whether late night premises are likely to generate litter. Premises may need to make provision for patrols to clear up litter, taking into consideration the hours of street sweeping.
- Whether queuing is likely and the steps proposed to prevent queuing or, if some queuing is inevitable, to divert queues away from residential properties and entrances of neighbouring premises, and to manage the queue to prevent disturbance or obstruction.
- The measures proposed for the management of people leaving premises to smoke and for their readmission; including managing readmissions in relation to any queuing for admission and to measure to ensure that security procedures apply equally to admissions and readmission.
- Whether other measures to prevent nuisance such as the use of CCTV or the employment of registered door supervisors are necessary.

Reasons for Policy

The Licensing Authority will expect applicants to set out in their Operating Schedules the steps taken, or proposed to be taken, to deal with the potential for public nuisance arising from the operation of the premises or open air site under the licence. Applicants are advised to identify and describe through a risk assessment how these risks will be managed. Public Nuisance could include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community (revised Guidance, paragraph 2.33). It may also include, in appropriate circumstances, a reduction of the living and working amenity and environment of interested parties in the vicinity of licensed premises.

Swale Borough Council has a substantial residential population and the council as the Licensing Authority has a duty to protect it from nuisance. Commercial occupiers of premises also have a legitimate expectation of an environment that is attractive and helps sustain their business. The role of the

council as Licensing Authority is to maintain an appropriate balance between the legitimate aspirations of the entertainment industry and the needs of the residents and other businesses, workers, shoppers and visitors. It will need to satisfy itself that adequate measures to prevent public nuisance are in place and will be maintained. These principles apply also to events in open air sites.

Playing of music can cause nuisance both through noise breakout and by its effect on patrons, who become accustomed to high sounds levels and to shouting to make themselves heard, which can lead to them being noisier when leaving the premises. The later that music is played, the greater the potential for nuisance. Other major sources of noise nuisance are vehicles collecting customers; the slamming of car doors and sounding of horns resulting from congestion and pressure for on-street parking space and the serving of premises. These noises can be particularly intrusive at night when ambient noise levels are lower. Other impacts include: noise from customers smoking, drinking, and eating in the open air, the servicing of premises, and noise and smells from ducts and ventilation equipment. There are similar issues that apply to the operation of events at open air sites.

Residents are often subjected to nuisance from the noise of people on their way to and from premises, and loitering in the streets after they have left premises. This can affect residents at some distance from the premises, by adopted routes, parking areas and between late night premises of various types. The nuisance from noise depends on its nature and whether it is during the day, the evening or at night. Late night is often unsettling; particularly shouting and screaming. Some of this is associated with aggression and assaults but most of it is 'high spirits'. It is impossible to distinguish between the reasons of these noises and in any case, it is very disturbing late at night. The degree of nuisance caused by noise increases with the lateness of the hour; especially if it disturbs or prevents sleep.

Eating and drinking outdoors is increasingly popular, and the smoking ban has increased the number of people outside premises smoking or accompanying smokers. The noise of people socialising outdoors can cause public nuisance, even if they are not badly behaved. In addition, the blocking of footways, and more occasionally roadways, by people standing about drinking and smoking is a public nuisance whether or not it amounts to the offence of obstruction. The placing of tables and chairs for people to eat and drink at, on any part of the public highway, requires a licence from Swale Borough Council's Legal Department.

In determining both these types of applications, regard will be paid to amenity concerns. However, the use of garden or courtyard areas and private forecourts is not controlled under these regimes. In order to prevent public nuisance it will be necessary to consider the extent of eating and drinking that will take place outdoors and the measures that will be necessary to ensure that nuisance is not created. Outdoor eating and drinking and the congregation of people at night is likely to cause nuisance and conditions are likely to be imposed to limit the hours when this takes place. It also increases the potential for criminal activity.

This may require staff to control or prevent people going outdoors with food and drink, either some or all of the time. Where necessary, conditions will be imposed to manage or, if appropriate, prevent outdoor eating and drinking. If problems from people congregating outside premises persist, and if there are representations from the police, other responsible authorities or interested parties and these are substantiated at review, the council might restrict the hours for, or remove the sale of alcohol for consumption off the premises from a premises licence.

Some late night premises contribute significantly to the public nuisance of litter; particularly premises selling hot take-away food and drink late at night, or clubs where there is queuing or which distribute publicity flyers (revised Guidance, paragraphs 2.32 and 2.40). Customers drop litter late at night and by congregating outside these premises they make it impossible for the streets to be properly and effectively swept.

Fly posting is a public nuisance. Entertainment venues are one of the main types of business that resorts to this type of advertising. Touting for business on the streets is generally a nuisance and had been prevented by conditions on premises licences that have caused problems.

Conditions

Annexe D part 4 of the revised Guidance sets out a pool of conditions that relate to the prevention of public nuisance. Hours of opening and hours for each of the licensable activity should be included in Operating Schedules. Conditions may be attached on the hours when premises are permitted to be open to the public or to members and their guests for the prevention of public nuisance.

Conditions could be necessary to limit the times when certain licensable activities take place, although the premises may be open to the public at such times. For example, there may be reason to have a condition on the hour that music ceases to be played in a bar or restaurant, or when alcohol is served at a music venue, which is prior to the end of other licensable activities. Conditions may also be attached referring to the parts of premises that might be used for certain licensable activities at certain times. Stricter conditions will be expected in areas of denser residential accommodation.

Conditions will be attached to premises licences where appropriate. These may include conditions on: maximum noise levels over particular time periods, the installation of acoustic lobbies; provision of signs, publicity and verbal advice to patrons to leave quietly and by certain routes; controlling nuisance from light pollution; taking food or drink outside the premises; fly posting; distribution of leaflets; litter and cleaning outside of the frontage and in the vicinity of the premises.

2.2.4: Protecting children from harm.

To protect children from harm the Licensing Authority will apply the following criteria and take into account the following considerations, where relevant, in determining applications and reviews:

Criteria

- Whether there are appropriate measures in place to protect children from harm.

Considerations

- Whether there are effective measures to check the age of those young people who appear under 21 to ensure that alcohol is not sold to those under 18 and those under 16 are accompanied in alcohol led premises (**Appendix 9**).
- Whether the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises (revised Guidance, paragraph 2.44).
- Whether accompanied children under 16 on the premises of which the primary purpose is supply of alcohol for consumption on the premises are taking a table meal or are being entertained by a live performance.
- The hour to which accompanied children under 16 are proposed to be on the premises where the exclusive or primary purpose of the services provided at the premises is the supply of alcohol for consumption on the premises.
- Whether due regard is paid to industry codes of practice on the labelling and display of alcoholic drinks (The Portman Group Code of Practice on the Naming, Packaging and Merchandising of Alcoholic Drinks and their Retail Alert Bulletins on unsuitable packaging and marketing).
- Whether there are adequate procedures for identifying unaccompanied or lost children and ensuring that they are kept safe and adequately supervised until they can be handed over to a responsible adult.
- The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.
- Whether there is evidence of heavy, binge or underage drinking on the premises.
- Whether the premise commonly provides entertainment or services of an adult or sexual nature (see Glossary).
- Whether there is a strong element of gambling on the premises (but not, for example, the presence of a small number of cash prize gaming machines).
- Whether films are to be shown and the measures to restrict children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification or the council itself; revised Guidance (paragraph 13.53) refers.

- If performances or activities are likely to attract children, the number of adults required for the supervision of children.
- Where play facilities are provided if an adequate risk assessment has been made and appropriate measures taken.
- The measures to be taken to ensure that those supervising or having significant contact with children have been appropriately vetted to ensure that they pose no risk to children. Obtaining Enhanced Disclosure from the Criminal Records Bureau may be appropriate in some cases.
- Proposals for the provision or arrangements for safe transport for children.

Reasons for Policy

The Licensing Authority will expect applicants to consider the measures necessary to promote the licensing objective of protecting children from harm when on the premises and in the vicinity where it is in the power of the applicant to influence this.

These measures may include staff training on how to control the entry of children and young people under 18 and the vetting of staff who will supervise them. Applicants will have to give particular regard to these measures in applications for licenses involving:

- the sale of alcohol
- children's performances
- attractions or performances likely to attract children

It is an offence to sell alcohol to children. In this context, children are defined as individuals under 18. The provisions of the Act are that unaccompanied children under 16 should not be on 'premises being used exclusively or primarily for the supply of alcohol' (e.g. 'alcohol led' premises such as pubs, bars and nightclubs). In addition, it is offence to allow unaccompanied children under 16 on premises licensed to sell alcohol for consumption on the premises after midnight but before 05:00.

Conditions

Annex D part 5 of revised Guidance sets out suggestions for conditions that venue operators may offer relating to the protection of children from harm. This includes the protection of children from moral, psychological and physical harm and is considered in revised Guidance (paragraph 13.47-13.60).

In line with the revised Guidance (paragraph 2.44, 13.48 and 13.50) conditions may be attached relating to the access or, where necessary the exclusion of people under the age of 18 to a premises licence or club premises certificate where there is:

- a history of offences relating to underage drinking
- a known association with drug taking or dealing
- a strong element of gambling on the premises
- entertainment of an adult or sexual nature commonly provided

- films shown with age restricted classification

In line with revised Guidance (paragraph 13.50) conditions limiting the access of children may be attached. These could include one or any combination of the following:

- requirements for adequate procedures to check ages in premises where alcohol is served.
- limitations on the hours when children may be present.
- limitations or the exclusion of children under certain ages when particular specified activities are taking place.
- age limitations (below 18).
- requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult).
- limitations on parts of premises to which children may have access.
- full exclusion of people under 18 from the premises when any licensable activities are taking place (revised Guidance, paragraph 2.47, 13.50).

As a Licensing Authority the council may impose conditions on film exhibitions in order to protect children from inappropriate exposure to portrayals of violence or sexual activities, strong language and sexual expletives. These may include:

- a requirement to adhere to either the age restricted recommendations of the British Board of Film Classification or to similar classifications imposed by the council.
- a requirement for the cinema venue operator to submit any film not classified by the British Board of Film Classification which it intends to exhibit 28 days before it is proposed to show it.
- in line with the various classifications of films by the British Board of Film Classification, the Licensing Authority may impose conditions necessary to restrict access accordingly and to require any certificates or notices of category to be displayed appropriately.

At premises and performance which are likely to attract a substantial number of children, the Licensing Authority may attach conditions requiring the presence of a sufficient number of adult staff on the premises to ensure the well being of the children during an emergency.

APPENDIX Three: Application and Variations.

The council's Licensing Committee, through its Sub Committees, and the powers delegated to officers as detailed in Appendix 3, is responsible for the determination of applications of the following types:

- Premises Licence
- Provisional Statement
- Club Premises Certificate

- Temporary Event Notice
- Personal Licence for the sale or supply of alcohol

Those activities under the Licensing Act 2003 which require a licence or other authorisation include the following:

- the sale of alcohol by retail
- the supply of alcohol to a member of a club
- the provision of regulated entertainment
- the provision of late night refreshment

(See the Glossary for fuller definitions of licensable activities.)

Variation of a licence

An application for a variation must be advertised in accordance with regulations and the council will expect applications to be advertised to residents and business in the vicinity. Applications must be notified to the 'responsible authorities'. These must be accompanied by an 'Operating Schedule' setting out what licensable activities the premises will be used for and any other hours when it will be open to customers or members. The Operating Schedule should be prepared after an applicant's assessment of the effect of the grant of the licence on the licensing objectives. Applicants are advised to consult the 'responsible authorities' when they do this.

The council is itself the responsible authority for the prevention of pollution of the environment including noise, and for health and safety (in most cases) and trading standards and is the planning authority. Acting in any of these capacities, it may make representation to the Licensing Committee acting as the Licensing Authority. These can be expected to be made with reference to the Statement of Licensing Policy. These representation may reflect views of the council; acting as the Principle Authority or as the Waste Collection Authority or as the Waste Disposal Authority.

Unless 'relevant representation' are made by the responsible authorities or 'interested parties' (residents and business in the vicinity) that relate to the licensing objectives, the application must be granted. The licence will be subject to those conditions that give effect to the Operating Schedule. If the licence includes the sale of alcohol, it must specify the designated premises Supervisor and the mandatory conditions on the sale of alcohol. There are also mandatory conditions for film exhibition and on door supervision.

If the relevant representations are withdrawn, possible after mediation and revision of the Operating Schedule, the Licensing Authority must grant the application. If the representations stand but all parties agree that there is no need to hold a hearing, the Licensing Authority can decide the application without holding a hearing but this function cannot be delegated from the sub-committee.

APPENDIX FOUR: Committees and Delegated decision making chart.

MATTER TO BE DEALT WITH	FULL COMMITTEE	LICENSING SUB COMMITTEE	OFFICERS
PERSONAL LICENCES			
Application for Personal Licence		If a police objection is made	If no objection is made
Application for Personal Licence with unspent convictions		All Cases	
Applications to vary designated personal licence holder		If a police objection is made	All other cases
Request to be removed as designated personal licence holder			All cases
PREMISES LICENCES & CLUB PREMISES CERTIFICATES			
Application for premises licence/ club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for provisional statement		If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/ club premises certificate		If a relevant representation is made	If no relevant representation is made
Application for transfer of premises licence		If a police objection is made	All cases
Application for interim Authorities		If a police objection is made	All cases
Application to review premises licence/ club premises certificate		All cases	
Decision on whether a ground for review is relevant, frivolous, vexatious, etc			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
TEMPORARY EVENT NOTICES			
Determination of a police representation to a temporary event notice		All cases	

APPENDIX FIVE: Reviews of premises licence.

Working in partnership:

The promotion of the Licensing objectives and achieving common aims relies on a partnership between licence holders, authorised persons, interested parties, the police, fire authority and the council. The council will try to give licence holders early warning of any concerns about problems identified at any licensed premises and identify the need for improvement (revised guidance, paragraph 11.8)

Purpose of reviews:

The review process is integral to the operation of the Licensing Act 2003. The Government's intention is for a light touch regulatory regime with regard to the granting of new licences and variations. Only when there have been representation will the licensing authority have the discretion not to grant licences. If problems arise in connection with a premises licence, it is for the responsible authorities and the interested parties to apply for a review of the licence. Without such representations, the Licensing Authority cannot review a licence. Proceedings under the Licensing Act 2003 for reviewing a premises licence are provided as a key protection for the community, where problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring (revised Guidance paragraph 11.1)

Initiating reviews:

At any stage, following the grant of a premises licence, any of the responsible authorities or interested party, such as a resident living in the vicinity of the premises, may ask the council to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives. The police can take action to close premises for up to 24 hours on grounds of disorder and noise nuisance under the terms of the Licensing Act 2003, and the powers for the police to apply for an expedited review of a premises licence where the premises selling alcohol are associated with serious crime and disorder. There are powers under Section 40 and 41 of the Anti-Social Behaviour Act 2003 for Environmental Health officers to close premises for 24 hours on grounds that noise from licensed premises is causing a public nuisance. The council cannot initiate its own reviews of premises licences, however, officers of the council who are specified as responsible authorities under the Act may request reviews (revised Guidance, paragraphs 11.2-11.4).

In every review case an evidential basis for the allegations made will need to be submitted to the council as the Licensing Authority.

When a request for a review is initiated from an interested party, the council is required to first consider whether the representation made is irrelevant to the licensing objectives, or is vexatious or frivolous, In addition, the Secretary of State recommends that more than one review on similar grounds originating from interested parties should not be permitted within a period of 12 months except in exceptional and compelling circumstances or where it arises following a closure order (revised Guidance, paragraph 11.1.2).

Where the council receives a request for a review in accordance with the closure, procedures described in Part 8 of the Act, the council will arrange a hearing in accordance with the regulations set out by the Secretary of State (revised Guidance, paragraph 11.14).

Powers following determination of review:

The council, in determining a review, may exercise the range of powers to them to promote the licensing objectives.

The licensing authority must take those of the following steps it considers necessary to promote the licensing objectives:

- modifying the conditions of the premises licence (which includes adding a new condition or any alteration or omission of an existing condition temporarily or permanently)
- excluding a licensable activity from the scope of the licence
- removing the designated supervisor
- suspending the licence for a period not exceeding three months
- revoking the licence

(Revised Guidance, paragraphs 11.17)

Other steps that can be taken by the council include:

- taking no action
- issuing an informal warning
- recommending improvements within a particular time
- monitoring by regular inspection and invite to seek a further review if problems persist.

Revised guidance paragraph 11.16 states “However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvements – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach”.

Offences under the Licensing Act 2003 include the serving of alcohol to unaccompanied persons under 18. The consumption of alcohol by minors impacts on the health, educational attainment, employment prospects and propensity for crime of young people. The admitting of serving of persons who are intoxicated is also an offence under the Licensing Act 2003; the council will treat representations that these offences have occurred seriously when they arise in connections with the granting or review of a premises licence. It will also have regard to other criminal activities which may take place in some types of licensed premises:

- sale or distribution of drugs
- sale or distribution of stolen or counterfeit goods or weapons
- sale of smuggled tobacco and alcohol
- prostitution, pimping or procuring

- use as a base for criminal activity, particularly gangs
- organisation of racist activity
- unlawful gaming and gambling

(Based upon revised Guidance, paragraph 11.25)

Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – will be seriously considered (revised Guidance, paragraph 11.26). However, revocation remains an option if other licensing objectives are being undermined.

APPENDIX SIX: Swale Borough Strategies.

The council has prepared a number of strategies that contain visions, aims and objectives to promote, improve and protect Swale as a whole. The council has had regard to the local strategies, which have been developed for the Boroughs businesses, residents, workers and visitors. These are outlined below. The council intends to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies by ensuring the Statement of Licensing Policy is consistent with the aims and objectives of these strategies and will continue to participate in partnerships and committees as appropriate (Revised Guidance, Paragraph 13.55)

Ambitions for Swale: Sustainable Community Strategy

Our Sustainable Community Strategy which is known as 'Ambitions for Swale' sets out our vision for the kind of place that we would like Swale to be in the future. It describes our priorities over the next twenty years, and sets out shorter term targets to focus us in the right direction. We have concentrations of deprivation which are among the worst in the country, and which must be tackled if we are to achieve the quality of life that all our residents deserve. Along with this, we must ensure that all our activities and policies combat the causes, and manage the effects of climate change to protect and enhance our natural environment.

'Ambitions for Swale' will provide local partners with a shared vision to help them deliver better services to the community. To be successful, it must reflect the views and ambitions of the people of Swale. Therefore a regular review of the document on an ongoing basis ensures that it accounts for the changing influences of the time.

Sittingbourne Town Centre Masterplan.

Sittingbourne Town Centre and Milton Creek Supplementary Planning Document (March 2009) is simply known as the 'Masterplan'. The Master Plan indicates the general urban structure and layout of the area; the amount and type of land uses; the overall design approach to built environment and the public realm; transport and infrastructure arrangements to deliver the

Masterplan; phasing of development; criteria for development contributions; and criteria for sustainable design and buildings.

When adopted, it will form part of the Local Development Framework for Swale Borough and will be the context for deciding planning applications for new development in the town centre and Milton Creek.

Swale Borough Council: Cultural Strategy.

Although it is not a statutory document, Swale Borough Council a role in developing and maintaining the cultural infrastructure of Swale; by delivering some services directly to increase cultural opportunities and activities. The Cultural Strategy aims to promote the cultural well-being of an area. The key purpose is to increase participation in, and access to, cultural activities in Swale and sets out the following vision:

"Swale is shaped by its cultural vitality that contributes to its distinctive communities and their health and well-being".

It encourages innovation and partnership solutions to providing cultural services and identifies opportunities designed to meet local needs. Through the Cultural Strategy, the Borough Council will work in partnership with key local regional and national stakeholders to ensure the value of culture is recognised and also as a means to support achievement of wider, economic and environmental goals.

Swale Borough Council: Corporate Plan

In 2005, Swale Local Strategic Partnership published its sustainable communities plan "Priority Swale", which sets out the vision for Swale:

"to transform the economic, social and environmental profile of the Borough so that communities and individuals can aspire to live happy and fulfilled lives".

The Corporate Plan provides a framework for the Council until 2011 within which Swale Borough Council will work and contribute towards the delivery of the vision for the Borough.

Swale Community Safety Partnership: Community Safety Plan.

Swale Community Safety Partnership Community Safety Plan 2008-11 is a statutory document produced by the Crime and Disorder Reduction Partnerships (CDRP). The Community Safety Plan will impact on a strategic level, its overall aim is to make the residents of Swale feel and be safer, through tackling crime, disorder, Anti-Social behaviour, substance misuse and behaviour adversely affecting the environment. The Partnership operates a problem solving approach, tackling locations and issues with the greatest level of need.

This Community Safety Plan details the community safety priorities for Swale for the period 2009-2011. It details how the CSP plans to tackle them through

activities/services/programmes to be undertaken. These priorities were generated through consultation with the community, national Government priorities and the completion of a strategic assessment which helps identify main issues of concern and emerging trends in the borough.

Swale Transport Strategy

The purpose of the Swale Transport Strategy is to identify the transportation issues facing the Borough and to provide a strategy to manage them. A number of villages are comparatively remote and only accessible by narrow country lanes, which would make public transport provision difficult and commercially unviable limiting the choice of travel to the car. People who do not have a car or the use of one are being excluded from the opportunities and services available to them.

The best way forward is a greater choice of travel by providing reliable, good quality alternatives to the car. It is hoped that by providing a wider choice of transport, those without access to a car will be able to consider jobs previously unavailable to them due to distance, access education facilities and services and be able to make social contact more easily.

Swale Borough Local Plan.

The Local Plan provides policies and proposals relating to the development and use of land in the Borough. The proposals in the Local Plan will be achieved by the co-operation of public and private interest. The Plan will guide public and private investment to where it is needed, and will promote partnership to achieve strategic goals.

APPENDIX SEVEN: Other Relevant Legislation

Equality, Diversity and Race Relations.

Delivery of the licensing regime will be in accordance with the Corporate Equality Plan. An Impact Needs Assessment process will inform service delivery and will be subject to on-going monitoring and customer consultation during the life of this policy. Relevant matters that come to light as a result of monitoring and consultation may result in changes to service delivery and where necessary may result in changes to the Council's licensing policy.

The Council strives to be an effective service provider, community leader and corporate body, and in doing so, recognises the importance of meeting the needs of the diverse mix of communities represented amongst its residents, service users and workforce. In meeting those needs the Council will develop and harness a safe and sustainable community inclusive to all.

To confirm its commitment and to ensure continuous improvement, the Council uses the Equality Standard for Local Government as the improvement framework against which to assess its performance and development in equality and diversity.

Planning legislation and building regulations.

The planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency, revised Guidance (paragraph 1.16) states that applications for premises licences for permanent commercial premises, should normally be from business with planning consent for the property concerned. Licensing applications will not be a re-run of the planning application. The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building regulation control where appropriate (revised Guidance, paragraph 13.64). Although a licence will not be refused because planning or building consent are not in place, a licence cannot be lawfully used until they are.

Health and Safety at Work Act 1974 and associated legislation.

The Council is the authority for this legislation for almost all premises in the Borough.

Human Rights Act 1998

The council has a duty under the European Convention on Human Rights to protect both the rights of a resident to privacy and family life (Article 8) and the rights of a licensee to operate his business without undue interference (Article 1 of the First Protocol). These policies are intended to reflect the balance to be struck between these interests where they conflict.

Disability Discrimination Act 1995

The disability Discrimination Act introduced measures to tackle discrimination encountered by disabled people. It is recommended that licensees make themselves familiar with the requirements of this Act for the access and provision of services to disabled people.

Environmental Protection Act 1990

This covers a wide range of types of pollution including noise pollution.

Sex Establishments

The Local Government (Miscellaneous Provisions) Act 1982

Crime and Disorder Act 1998: Section 17

This Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. It states,

“Without prejudice to any other obligation imposed upon it, it shall be the duty of each authority, to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

Therefore, this Act requires local authorities and others to consider crime and disorder reduction while exercising all of their duties. This reflects the reality that there are crime and/or disorder implications in decisions made across the full range of local authority services. The consideration of the specific licensing objectives of the prevention of crime and disorder fulfils the requirement under this Act.

Control of Noise at Work Regulations

The Noise Regulations 2005 require employers to prevent or reduce risks to health and safety from exposure to noise at work. Employees have duties under the Regulations too. The Regulations require you as an employer to:

- assess the risks to your employees from noise at work;
- take action to reduce the noise exposure that produces those risks;
- provide your employees with hearing protection if you cannot reduce the noise exposure enough by using other methods;
- make sure the legal limits on noise exposure are not exceeded;
- provide your employees with information, instruction and training;
- carry out health surveillance where there is a risk to health.

APPENDIX EIGHT: Adopted Designated Public Place Orders.

In promoting responsible drinking Swale Borough Council began introducing Designated Public Place Order from the 1st August 2008, otherwise known as an alcohol control area. The Criminal Justice and Police Act 2001 introduced the power for local authorities to designate public places in which it will become an offence to drink alcohol after being requested not to do so by a police officer. The police will have the power to require the surrender of alcohol and containers and those who fail to comply may be liable to arrest.

The following plans shown the 'Designated Public Place Orders adopted by Swale Borough Council:

<Plan of Sittingbourne>

<Plan of Sheerness>

<Plan of Leysdown>

<Plan of Faversham> - Only if the DPPO has been adopted.

APPENDIX NINE: Guidance on noise.

The Council regards the control of noise as an essential aspect of good neighbourliness, contributing to the sustainability of residential and commercial communities.

Noise Sources.

Applicants should consider the potential sources of noise and the hours when it may be generated. The Licensing Authority's noise criteria relate to all these sources of noise whether indoors or in the open air, including:

- a) music and human voices, both amplified and non amplified
- b) other internal activities
- c) use of open areas
- d) patrons queuing
- e) patrons and staff entering and leaving the premises and in its vicinity
- f) vehicles arriving, waiting and leaving the premises and in its vicinity
- g) deliveries and collections including refuse and collection of recyclable materials
- h) plant, machinery and associated equipment, including mechanical ventilation
- i) any other factors that could cause noise disturbance.

Many licensed activities can cause noise that is heard outside the premises or originates from an open air site and some of these risk generating noise that causes public nuisance. The risk assessment carried out for licence applications for such activities, should take into account the criteria and guidance on noise set out below which indicates circumstances in which a noise report may be necessary and what it should contain.

On the other hand, some licensed activities will generate noise at such low levels that they are unlikely to cause public nuisance. The list of criteria below should be used to determine whether it is likely that a full noise report will be required.

Information on noise.

All applicants should provide a statement demonstrating how they do, or do not comply with the following criteria. A noise report will not usually be required where all the following criteria are met.

- a) There have been no Noise Abatement Notices (Section 80 of the Environmental Protection Act 1990) served in relation to the premises within the two years prior to the application.
- b) There have been no noise complaints relating to the premises received by the applicant, the Council or the police within the two years prior to the application.
- c) There have been no objections to the renewal of a licence in relation to the premises within two years prior to the application.
- d) There are no noise sensitive properties (above, below, adjacent, opposite, in the proximity of the premises or otherwise) likely to be affected.
- e) There is no air conditioning, or other plant and associated equipment.
- f) There is no loudspeaker system.
- g) There are no activities involving performances of music or other sounds, whether live or recorded, or any other 'regulated entertainment'.
- h) No door staff are required as a condition of an existing licence.
- i) Deliveries, collections, servicing; use of vehicles, do not take place between 19:00 and 07:00 hours.

9.1 Noise Criteria.

Licensed premises and activities will be required to meet the noise criteria set out in Appendix 2.3. Noise reports should show how these criteria will be met.

9.2 Noise Report.

When the licensing Authority receives a statement from the applicant demonstrating how they do or do not meet the criteria above, it will determine whether a noise report will be required, which aspects of it will be required, what it should cover, and how it should be prepared.

A noise report may contain some or all of the following:

- a) An environmental noise impact assessment (required for all noise reports).
- b) An acoustic report for premises where there is plant and equipment (e.g. ventilation, airait conditioning, lifts, hoists etc).
- c) A sound insulation and sound reduction measures assessment (for premises where there is plant and equipment and/or sound systems, or 'regulated entertainment').
- d) Planned management measures for control of noise disturbance related to door control, deliveries and collections, waste management, servicing, and any other aspects requiring control of noise. (This will be required in most noise reports and all applications where operating hours include any of the period 19:00 – 07:00 hours, and/or where door staff are required.)
- e) Planned management measures for control of noise disturbances from an open air site or event. (This will be required for open air sites and events.)

9.3 Environmental noise impact assessment.

An Environmental Noise Impact Assessment should provide information, as applicable, including:

- a) Existing ambient noise climate and a survey of both pedestrian and vehicular numbers in and around the premises.
- b) Assessment of the existing and future noise climate due to the new or increased use of the premises, indicating any increase in predicted noise levels.
- c) Assessment of the existing and predicted number and level of noise events.
- d) Details of management procedures to reduce the impact of the premises' operating on the locality, including noise from customers and others arriving and departing.

9.4 Acoustic report (plant and equipment).

An Acoustic Report should provide information for both external and internal plant, and on the prevention of noise breakout from plant, equipment and internal activities. This should cover, as relevant:

- a) Mechanical and electrical plant, machinery and equipment and their locations, with manufacturers specifications: octave or 1/3 octave band analysis of noise for the proposed plant, machinery and equipment.
- b) The location of the nearest openable window of the nearest noise sensitive property that may be affected by noise from the proposed licensed use/plant and equipment, with the distance between these.
- c) The proposed operational hours.
- d) The background noise level assessment (LA90, 15min) over the proposed hours of operation, including: the time, date, weather conditions, instrumentation and calibration, noise sampling locations, and a copy of the noise survey data (in accordance with BS 4142 measurement methodology).
- e) Calculations for the predicted noise level 1 metre from the window of the nearest affected noise sensitive property.
- f) Use of acoustic enclosures.
- g) Use of noise attenuations and acoustic screens as required.
- h) Measures to ensure that plant, machinery and equipment is maintained to prevent noise levels from them increasing.
- l) Use of vibration isolators.

9.4.1 Plant noise breakout and structural transmission.

Applicants should demonstrate that the licensed activities from indoor premises, and open areas associated with them, can be carried out so that plant noise, airborne noise breakout, and noise and vibration transmitted through structures, will meet the criteria for indoor premises below.

Applicants should demonstrate that the licensed activities from open air premises can be carried out so that plant noise, airborne noise, and noise and vibration transmitted through structures will meet the criteria for open air premises (see 9.3.5 below). Numbering wrong here and next one

9.4.2 Indoor premises plant and equipment.

Premises should be capable of being operated at all times of year without doors and windows being opened for ventilation. Air handing and air conditioning plant and systems must be designed and located so that noise levels emitted meet the criteria in 9.3.3 (below). The council will require the applicant to ensure maintenance of building plant and machinery so that the above standards will be met at all times.

9.4.3 Indoor premises plant & machinery and internal activities.

The criteria relating to:

- a) plant, machinery and associated equipment, internally and externally installed
- b) ventilation
- c) music and human voices, both amplified and non amplified and to;
- d) other internal activities

are noise emitted will achieve the following standards in relation to the existing external noise levels at the nearest noise sensitive properties (including residential, schools, hospitals etc), at the quietest time during which any of these activities occur:

“At the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq5 min) should not exceed 10dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90 15min.”

and, where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:

“At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LAeq 5min) should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest LA90 (15min) for each of the octave bands during the operating period.”

9.4.4 Indoor premises structural transmission of noise and vibration.

Applicants should ensure that as far as is reasonably practicable, licensable activities will be conducted and the facilities for licensed activities will be designed and operated, so as to prevent the transmission of audible noise or perceptible vibration through the fabric of the building or structure to adjoining properties. In the case of licensable activities involving the playing of music or the operation of kitchens, or the running of plant after 23:00 hours applicants may be required to demonstrate this.

9.4.5 Open air premises plant & machinery and other activities.

The criteria relating to:

- a) plant, machinery and associated equipment, internally or externally installed
- b) music and human voices, both amplified and non amplified
- c) other activities.

Criteria:

Account will be taken of:

- the type/s of events planned
- the number of events that take place each year
- the numbers of participants and people attending each year
- the times of day and duration of events
- the days/dates of the events

9.5 Sound insulation and sound reduction assessment.

A sound Insulation and Sound Reduction Assessment should provide information, as applicable, on proposed:

- a) Assessment of the existing sound insulation of the building fabric.
- b) Operational building layout to prevent noise escape.
- c) Sound insulation measures to prevent airborne and structural transmission of noise and vibration to adjacent premises.
- d) Attenuation measures to minimise noise breakout, and to prevent noise disturbance to the surrounding area.
- e) Use of electronic sound limiters on amplification systems as alternative means of control.
- f) Other measures to reduce structural transmission of noise and vibration.
- g) Installation of acoustic doors and lobbies.

(Note: BS 8233: 1999 contains useful guidance on commercial design criteria).

9.6 Planned management measures for control of noise.

This is a statement of management measures to be taken to prevent and control noise, covering matters such as:

- a) hours of operation
- b) location of entry and departure points
- c) door control
- d) control and prevention of queuing
- e) control of amplified and non amplified music and voices
- f) steps to be taken to achieve good behaviour outside and within the premises
- g) communication with customers (signs, announcements and other means)
- h) management of use of outdoor areas
- i) steps to be taken to ensure customers leave quietly
- j) advice to customers on departure routes
- k) stewards access to taxis and licensed mini-cabs
- l) arrangements for dedicated taxi or licensed minicabs to collect patrons in a manner so as to minimise any disturbance
- m) arrangements for staff and patron parking
- n) limits set on hours for servicing and delivery
- o) guidance to drivers to limit noise during deliveries
- p) communications with suppliers and service providers
- q) providing quiet means for storage and movement of waste and recycling materials.

9.7 People arriving, departing and in the vicinity.

Applicants should demonstrate that appropriate measures will be taken to limit noise from patrons and staff entering and leaving the premises, and vehicles arriving, departing and in the vicinity to prevent avoidable noise disturbance to noise sensitive properties. The kinds of measures that may be used include:

- a) Installation of an acoustic lobby with inner and outer acoustic doors, designed to prevent both sets of doors being opened at the same time, together with management arrangements to ensure this.
- b) Signs and verbal advice to patrons to encourage them to limit noise as they wait outside and as they leave the premises.
- c) Guidance to patrons on routes to take as they depart, they cause least disturbance.
- d) Guidance to staff on their responsibilities to minimise noise from patrons as they arrive at and depart from the premises.
- e) Guidance to staff to minimise noise from any activities outside and in the vicinity of the premises.
- f) Arrangement for the calling of taxis, minicabs, cars or limousines from within the premises and for the collection of patrons by arrangement.
- g) Arrangements with dedicated taxi, minicab, car or limousine companies to collect patrons in an agreed manner so as to minimise disturbance.

9.8 Deliveries, collections and servicing.

The criteria relating to deliveries, collections and servicing are that the applicant must demonstrate appropriate measures that will be taken to limit noise from these sources and that these will prevent avoidable noise disturbance to noise sensitive properties. Such measures may include:

- a) Ensuring that deliveries, collections and operational servicing are carried out between 07:00 to 19:00 hours, except where access at other times is unavoidable and specific procedures are in place to limit disturbance.
- b) Guidance to drivers to switch off engine during deliveries, collections and servicing, and to minimise other noise caused by their activities.

APPENDIX TEN: Prevention of crime and disorder.

10.1 Measures for Pubs, bars and music and dance premises.

- a) Effective measures to check the age of those possibly under 18.
- b) Ensure door supervisors are trained and empowered to deal with underage drinking.
- c) Put in place robust systems to monitor and control the access of young people.
- d) Have a policy statement to deal with underage access which should include reference to the use of approved 'Proof of Age' schemes that include photo identity cards such as the PASS scheme.
- e) Display of policy on checking of age.
- f) Whether the design and layout of the premises are likely to lead to local overcrowding.
- g) Measures to discourage excessive drinking and drunkenness.
- h) Measures to promote 'sensible drinking' including measures to encourage purchase of soft drinks including pricing of soft drinks to below that of alcoholic drinks

- i) Regard to good practice guides and industry code; e.g. on packaging and labelling; drink promotions especially discounted promotions such as 'happy hours', 'buy one get one free' offers.
- j) Whether drinking vessels are made of toughened glass or plastic and are designed to not have a sharp edge when broken.
- k) Whether the taking of glasses or glass bottles outside of the premises is proposed to be permitted.

10.2 Effective management checklist.

- Links to health and safety policy and legislation
 1. Is there a written Health and Safety Policy for the premises?
 2. Is there a written Risk Assessment?
 3. When was it carried out?
- Incident Logs – Crime and disorder incidents to be recorded
- Mapping scheme, mark location incidents within premises
 1. Is there an incident log in operation?
 2. Is the incident log available for inspection?
 3. Within your premises, where are your crime hotspots?
- Staff training – training to resolve identified risks
 1. Are all staff trained to recognise aggressive or suspicious behaviour?
 2. Are all staff requested to approach customers about unattended property?
 3. On busy nights, are staff employed to warn customers about leaving property unattended?
 4. Do door supervisors attend staff training days?
 5. Is there a record of staff training?
 6. Do staff sign a training attendance record?
 7. Who is responsible for company policy on staff training?
- Staffing levels
 1. What are your minimum and maximum staffing levels?
 2. How are they decided?
- Design of premises
 1. How many points of entry are there?
 2. Are the entry points monitored?
 3. Is there a Police response alarm?
 4. Do staff carry panic buttons?
 5. Is there a panic button in cash office?
 6. How is capacity monitored?
 7. Are the tills positioned, so staff face customers?
 8. Is cash stored at the premises?
 9. Is there a cloakroom?
 10. Does the cloakroom offer free hand luggage storage?
 11. Is the cloakroom facility advertised?

12. Can the toilets be monitored easily?
 13. Are cupboards and drawers within the toilet kept locked?
 14. Are the cisterns boxed in and secure?
 15. Are there any flat surfaces?
 16. Do toilets cubicle doors have a gap at top and bottom?
- Managing the effects on the local environment
 1. Ensure glass is not taken outside the premises
 2. Are noise levels within legal limits
 3. Ensure that pedestrians and vehicles are not affected
 4. No rubbish on street
 5. Correct use of CCTV
 6. Are staffing levels adequate to monitor outside drinking?
 7. What links do you have with local residents?
 8. What steps are taken to minimise disruption when people are leaving?
 - Commercial policies – i.e. Happy hours
 1. The incident log may show the commercial policy is the cause of crime and disorder
 - Positive victim care- support for witnesses and appropriate complaint procedures
 1. Is there a Positive Victim Care Policy?
 - CCTV
 1. Has the venue got CCTV?
 2. Do high-resolution cameras cover all entry/exit doors?
 3. Does CCTV cover the cash office door?
 4. Is there a written operational requirement for the CCTV?
 5. Where is the CCTV video recorder stored and is it in a secure place?
 6. Which members of staff have access to it?
 7. Are the videotapes secured in a secure place?
 8. Is there a record of CCTV maintenance?
 9. Is there a record of the tape changes?
 10. How many tapes do you use?
 11. How often are they renewed?
 12. Does the CCTV cover external areas?
 13. Has the CCTV system a dedicated operator?
 14. Is the system operated in accordance with Data Protection Act?
(Registered with Data Protection Register)
 - Access Control
 1. Who is responsible for supervising security staff?
 2. Is there a written access policy?
 3. Is the queue supervised outside the venue?
 4. Is the queue supervised at the cloakroom?
 5. Is a record kept of door staff working on each day?
 6. Are personal details of security staff kept?

- Crime Prevention
 1. Is crime prevention literature displayed?
 2. Is there a company policy regarding the display of crime prevention material?
 3. Who is in charge of the policy?
 4. What crime prevention initiatives are in place?

- Outside eating and drinking
 1. Does the venue allow outside drinking?
 2. Has the venue got a 'Tables and Chairs' licence, for use of outside drinking other than in the garden?
 3. How are customers supervised outside?
 4. Is crime prevention literature displayed outside?
 5. Have any crime prevention measures been implemented outside?
 6. How are risks assessed regarding passing pedestrians and traffic?
 7. Are staff trained to supervise those outside?
 8. How are numbers of persons outside controlled? (capacity)
 9. Are tables and chairs taken in when not in use to prevent them offering opportunities for being used in crimes and disorder?

- Drugs and Weapons
 1. Does the premises have a search policy?
 2. Are notices prominently displayed explaining the policy?
 3. Do security staff patrol inside the premises?
 4. Are staff trained in identifying problems within the venue?
 5. Are efforts made for close supervision of toilets and poorly lit areas?
 6. Are police informed of seizures?
 7. Are seizures correctly documented?
 8. Has the premises been supplied with self-sealed property bags and plastic weapon containers?
 9. Are door staff trained in how to deal with weapons/ firearms?
 10. Do management/ staff keep written notebooks for 'original notes'?
 11. Has the venue provided search arch, provided search wands?
 12. Are door staff registered?
 13. Does the venue provide local police with details of events involving outside one month notice?
 14. Does the premises enter into contractual agreements with outside promoters?
 15. Are police contacted before such agreements are signed?

- Admission of children
 1. Ensure door supervisors are trained and empowered to deal with underage drinking.
 2. Put into place robust systems to monitor and control the access of young people.
 3. Have a policy statement to deal with underage access which should include reference to the use of approved 'Proof of Age' schemes; which include photo identity cards as the PASS scheme.
 4. Display of policy on checking of age.

CONTACTS

Information on the various aspects of the licensing process and policy can be obtained from the following bodies:

<p>Licensing Officer Licensing Department Swale Borough Council East Street Sittingbourne Kent ME10 3HT Tel: 01795 417634</p>	<p>Police Licensing Officer Sittingbourne Police Station Central Avenue Sittingbourne Kent ME10 4NR Tel: 01795 419298</p>
<p>Licensing Officer Maidstone Group Fire Safety Maidstone Fire Station Loose Road Maidstone Kent ME15 9QB</p>	<p>Environmental Officer Environmental Protection Team Swale Borough Council East Street Sittingbourne Kent ME10 3HT Tel: 01795 417320</p>
<p>Head of Development Control Planning Services Swale Borough Council East Street Sittingbourne Kent ME10 3HT Tel: 01795 417304</p>	<p>Licensing Team Trading Standards Kent County Council 1st Floor Invicta House County Hall Maidstone Kent ME14 1XX Tel: 01622 221012</p>
<p>Licensing Team Child Protection Agency Social Services Directorate Kent County Council Brenchley House 123-135 Week Street Maidstone Kent ME14 1RF</p>	<p>Commercial Team Environmental Services Swale Borough Council Swale House, East Street Sittingbourne Kent ME10 3HT Tel: 01795 417297</p>

Licensing Team
Gambling Commission
 Victoria Square House
 Victoria Square
 Birmingham B2 4BP
 Tel: 0121 230 6666

Licensing Team
Performing Rights Society (PRS)
 Copyright House
 39-33 Berners Street
 London W1T 3AB
 Tel: 020 7580 5544

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<p>The Crime Reduction Officer Crime & Disorder Reduction Partnership (CDRP) Swale Borough Council East Street Sittingbourne Kent ME10 3HT</p>	<p>To Members Safety Advisory Group Swale Borough Council East Street Sittingbourne Kent ME10 3HT</p>
<p>Department of Culture, Media & Sport (DCMS) 2-4 Cockspur Street London SW1Y 5DH</p>	<p>The Motion Picture Licensing Company (MPLC) Copyright House 39-33 Berners Street London W1T 3AB Tel: 020 7306 4347</p>
<p>Security Industry Authority PO Box 49768 90 High Holborn London WC1V 6WY Tel: 01843 850754</p>	<p>Border & Immigration Agency London & South East Region Frontier House Folkstone Kent CT20 2SH Tel: 01303 247075</p>
<p>British Institute of Innkeeping Wessex House 80 Park Street Camberley Surrey GU15 3PT Tel: 01276 684449</p>	<p>Disability Rights Commission DRC Helpline Freepost MID1264 Stratford Upon Avon CV37 9BR Tel: 08457 622633</p>
<p>The Clerk Kent Magistrates Court The Court House Palace Avenue Maidstone Kent ME15 6LL Tel: 01622 683559</p>	<p>Health & Safety Executive Phoenix House 23-25 Cantelupe Road East Grinstead West Sussex Tel: 01342 334200</p>

Equity
Guild House
Upper Martins Lane
London WC2H 9EG
Tel: 0207 379 6000

British Beer & Pub Association
Market Towers
1 Nine Elms Lane
London SW8 5NQ
Tel: 0207 627 9191

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<p>British Board of Film Classification 3 Soho Square London W1D 3HD Tel: 0207 440 1570</p>	<p>Kent Ambulance NHS Trust Ambulance Headquarters Heath Road Coxheath, Maidstone Kent ME17 4BG Tel: 747010</p>
<p>Arts Council (South East) Sovereign House Church Street Brighton BN1 1RA Tel: 0845 300 6200</p>	<p>The Portman Group 7-10 Chandos Street Cavendish Square London W1G 9DG Tel: 0207 907 3700</p>

DRAFT FOR LICENSING COMMITTEE