



Chelmsford City Council Licensing Committee

DATE: 25th July 2024

LICENSING ACT 2003 – APPLICATION FOR A NEW PREMISES LICENCE: 11 CHELMER VILLAGE RETAIL PARK, CHELMER VILLAGE WAY, CHELMER VILLAGE, CHELMSFORD, ESSEX, CM2 6XE.

Report by: Director of Public Places

Officer Contact:

Kate Kober, Licensing Officer, Katherine.kober@chelmsford.gov.uk, 01245 606446.

Purpose

The purpose of this report is for members to consider a Premises Licence Application given by McDonalds Restaurant, made under section 17 of the Licensing Act 2003, for a new premise licence in respect of 11 Chelmer Village Retail Park, Chelmer Village Way, Chelmsford, CM2 6XE having regard to representations received and the requirement to promote the four licensing objectives. These are:

- a) The prevention of crime and disorder.
- b) Public Safety
- c) The prevention of public nuisance
- d) The protection of children from harm

Recommendations

Members are advised that they have the following options when determining this application.

- Grant the application, on the terms and conditions applied for

- Grant the application on the terms and conditions applied for, modified to such extent as considered appropriate to promote the licensing objectives.
- Refuse the application in whole or in part.

An appeal in respect of any determination made in connection with this application may be made to the Magistrates Court, within 21 days of the notification given by the licensing committee, by the licence holder, Chief officer of police, or any other person making relevant representation.

1. Background and Introduction

- 1.1 The area proposed is a retail park located on Chelmer Village Way. The premises is surrounded by additional businesses with the nearest residential area being approximately 60 metres away. A google image map showing the site location in satellite and road view are attached as **Appendix A**
- 1.2 The proposed premises will be a walk-in service only and does not propose to have a drive-through area.

2. Application

- 2.1 The application has been properly given in accordance with The Licensing Act 2003 and all procedures correctly followed. The completed application form as well as the operating schedule are attached as **Appendix B** and the plans submitted for the layout of the premises are attached as **Appendix C**.
- 2.2 A complete application was submitted on the 11th June 2024, and correctly advertised by placing blue public notices at the premises and by publication in a local paper and on Chelmsford City Council's website.
- 2.3 The new premises licence application provides for the following licensable activities as detailed below:
Provision of Late-Night Refreshment Monday – Sunday 23:00 – 05:00
- 2.4 The applicant has provided an operating schedule which promotes all four of the licensing objectives.
- 2.5 Members are asked to note that as this report is available in the public domain, personal details have been redacted from some documents, however, both responsible Authorities and the applicant have received complete copies of all documents.

3. Representations

- 3.1 During the course of the application, Chelmsford City Council, in line with the Act, sent a copy of the application to all responsible authorities.
- 3.2 During the consultation period one representation was made by a local resident. A redacted copy of this objection is attached as **Appendix D**.

4. Conclusion

- 4.1 The evidence provided, including the application form, operating schedule, and layout plans, along with the representation from a local resident, should be carefully considered to ensure a balanced and justifiable decision is made in the interest of promoting the licensing objectives.
- 4.2 The Statement of Licensing Policy is brought to the attention of members and includes the following: Section 13, primarily concerns committees. This is attached as **Appendix E**.
- 4.3 This application has been correctly submitted.
- 4.4 At the conclusion of this hearing members are advised to consider the options as previously recommended at the start of this report.

Appendices:

- Appendix A – Google image map of the location of the Premises.
- Appendix B – Copy of the Premises Licence Application and Operating Schedule.
- Appendix C – Copy of the Premises plan.
- Appendix D – Copy of the representation received.
- Appendix E - Statement of licensing policy

Background reading:

Application held by licensing authority.

Corporate Implications

Legal/Constitutional: None

Financial: None

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: None

Risk Management: None

Equality and Diversity: None

Health and Safety: None

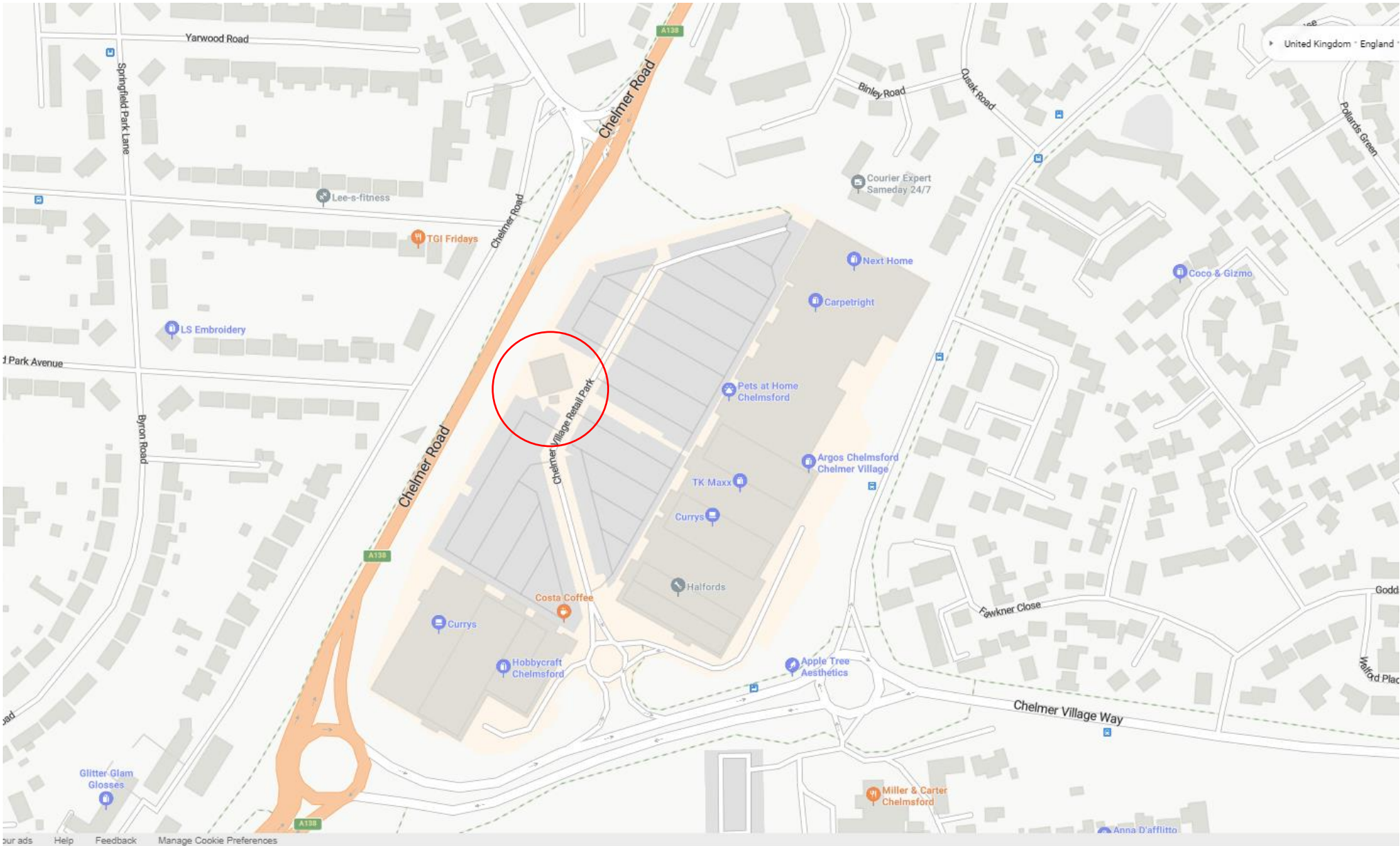
Digital: None

Other: None

Consultees: As per that required by legislation

Relevant Policies and Strategies: Statement of licensing policy

APPENDIX A





Appendix B



Chelmsford City Council
Application for a premises licence
Licensing Act 2003

For help contact
licensing@chelmsford.gov.uk
Telephone: 01245 606727

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Continued from previous page...

Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Restaurant selling hot food and non alcoholic drink for consumption on and off the premises.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes

No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes

No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
 As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

The premises will operate as an outlet of food and non-alcoholic drink and does not provide any adult entertainment or service that gives rise to a concern in respect of children.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

This restaurant understands that in extending our opening hours we have a duty to the local community and that we continue to protect our staff and customers from danger and harm. We believe that the systems we have in place are robust, thorough and will, as far as reasonably practicable, secure the promotion of the four licensing objectives. It should be noted that no McDonald's restaurant within the United Kingdom serves alcohol and further none of our drinks or food are served to customers in glass receptacles.

We are eager to work in partnership with all responsible authorities to ensure the promotion of the four licensing objectives. We also seek to work with the local communities, whom we serve, in achieving a successful cohesion between our business operations and our neighbours.

b) The prevention of crime and disorder

This restaurant is keen to work in partnership with the local police service to prevent crime and disorder.

CCTV

McDonald's operates a robust CCTV Policy to ensure compliance with Data Protection Legislation and to assist the Police with the prevention and detection of crime. At all stores where CCTV is in operation appropriate signage reflecting this information is displayed.

McDonald's operate digital motion activated CCTV systems where images are retained on a hard drive system. All CCTV equipment is of a standard suitable to record images of a proper quality, it meets the industry standard and has LGC Forensics or Kalagate Certification. As part of the digital system an alarm will sound if the equipment is faulty or not recording, thereby alerting management for the need to intervene. The CCTV system is regularly serviced by qualified maintenance technicians.

Access to the CCTV system will be provided to Police Officers at their request where reasonable.

Staffsafe

A Staffsafe™ system with both audio and visual monitoring capability will be installed in the restaurant, this system, can be activated by either fixed or mobile panic buttons. Once activated the system links the restaurant to an external monitoring

Continued from previous page...

centre capable of intervening to resolve crime and disorder issues and/or provide the appropriate advice or instruction to support and protect the restaurant's staff and customers.

At this restaurant all shift managers have safety and security training; including Maybo SIA accredited Conflict Management Training.

c) Public safety

This restaurant is keen to work in partnership with the local Fire Service and Environmental Health Officer to ensure public safety.

This restaurant has safety systems in place to protect the safety of customers and staff at all times (such as Staffsafe). We work with the local Environmental Health Office and local Fire Service to ensure we are complying, as far as reasonably practicable, with relevant Health and Safety and Fire Safety Legislation. This restaurant is also subject to inspections from our own safety and security teams to ensure our systems are being maintained.

All of our restaurant staff receive comprehensive safety training to ensure that safe working methods are adopted and all staff are trained on the restaurant's evacuation procedure in the event of a fire or other dangerous occurrence.

This store operates a "No Open Alcohol Containers" policy to prevent persons carrying open alcohol into the in-store area.

d) The prevention of public nuisance

Litter

McDonald's were the first company in our sector to introduce litter patrols in the early 1980's. McDonald's is committed to carry out litter patrols collecting both McDonald's packaging and any other litter that has been carelessly discarded. We are happy to act on recommendations from the Environmental Health Officer should they feel that we should extend our patrol to a nearby area, as far as this is reasonably practicable.

All of McDonald's packaging displays the recycle symbol to encourage our customers to deal with their waste responsibly. Further details regarding McDonald's commitment to reducing waste and litter nuisance can be found at the "Our World" section of the McDonald's website:

<https://www.mcdonalds.com/gb/en-gb/our-plan-for-change.html>

Noise

Where it is practical to do so we are content to put measures in place to limit noise. All McDonald's restaurant doors are self-closing and we try to encourage our customers to be considerate to our neighbours and to limit noise both when ordering their food and on leaving the local area.

e) The protection of children from harm

McDonald's do not anticipate that unaccompanied children will use the restaurant in the extended hour's period covered by this licensing application. We do however take their safety extremely seriously and will continue to employ the same practices to ensure that they are protected from harm at all times when visiting the restaurant.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

* Fee amount (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

Continued from previous page...

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.chelmsford.gov.uk/business/licensing/beer-licensing/premises-licence/apply-for-a-new-premises-licence/> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Appendix D – Representation

To: licence@chelmsford.gov.uk <licence@chelmsford.gov.uk>

Sent: Wednesday 26 June 2024 at 12:48:29 BST

Subject: Macdonald's outlet, Chelmer Retail Park, CM2 6XE - Objection to the Licence application alteration

Dear Sirs,

I recently became aware that a Macdonald's outlet due to open at Chelmer Retail Park ,were seeking to alter their licensing conditions to allow them to extend their hours to be allowed to open between the hours of 11 PM to 5 AM

I strongly object to this proposed change as the store will attract an unwelcome clientele to the area in the middle of the night.

The area is away from the city center ,therefore the majority of users will arrive in or on motorized vehicles. The venue will attract young drivers and their young companions, many of whom will be intoxicated or under the influence of drugs.

Irrespective of whether they purchase refreshments or not, they will loiter in this park and the area will become a meeting point for these youngsters to congregate .

This is a recipe for disaster where several car parks areas will be available for these young drivers to race or show off their vehicles capabilities.

It will also attract many youngsters from over the Essex county area including 'rival gangs' and drug pushers.

How long I wonder after opening, before we will have the first major altercation, 'stabbing' or injury due to an vehicle related incident?

My other concern is that the proposal will also attract the innocent and naive youngsters ,who will be corrupted by others.

Notwithstanding the increased mess discarded in that area and the immediate area, because as we all know from experience that the litter bin for many, is on the floor where they have finished eating!

I fail to understand either the logic or commercial benefits to provide refreshments during these hours.

The application for extended hours is not in the public interest and I strongly request the licensing committee reject the application.

Thank you

Licensing Policy

Statement of licensing policy



Effective January 2021 – January 2026

Page intentionally left blank

| | |
|--|---|
| Public Places | Date Produced: January 2016 |
| Public Health and Protection Services | Reference No. |
| | Version No. 1 |
| Sec. 5 Licensing Act 2003 | Date Reviewed: May 2020 |
| | Next Review Due by: January 2021 |
| | Originating Officer: Nigel Dermott |
| Statement of Licensing Policy | Approved by: |

STATEMENT OF LICENSING POLICY

This Statement of Licensing Policy of The Chelmsford City Council, the Licensing Authority for the City of Chelmsford, has been prepared under section 5 of The Licensing Act 2003 (The Act) having regard to the Revised Guidance issued pursuant to section 182 of The Act Revisions to the policy and its publication were approved by the Council on 17th November 2020.

Intentionally left blank

Contents

| | Page |
|--|------|
| 1. Fundamental Principles | 1 |
| 2. Introduction and Profile of Chelmsford City Area | 3 |
| 3. Licensing Policy – Vision Statement | 4 |
| 4. Statement of licensing Policy | 5 |
| 5. Consultation | 6 |
| 6. Approval | 6 |
| 7. Exchange of Information | 7 |
| 8. Public Register | 7 |
| 9. Compliance and Enforcement | 7 |
| 10. Licensing Applications and Licensing Objectives | 8 |
| Operating Schedules | 8 |
| Prevention of Crime and Disorder | 9 |
| Public Safety | 10 |
| Prevention of Public Nuisance | 10 |
| Protection of Children from Harm | 12 |
| Regulated Entertainment | 13 |
| Garages and Petrol Stations | 13 |
| Late Night Refreshments | 14 |
| Late Night Levy | 14 |
| 11. Online Applications | 14 |
| Tacit Consent | 15 |
| Temporary Event Notices | 16 |
| Designated Premises Supervisor (DPS) in Community Premises | 16 |
| 12. Representations | 17 |
| 13. Licensing Committee | 19 |
| Hearings | 19 |
| Administration, Exercise Delegated Functions | 20 |
| 14. Reviews | 20 |
| Summary reviews | 21 |
| 15. Appeals | 21 |
| 16. Suspensions for non-Payment of Annual Fee | 21 |

APPENDICIES

| | Page |
|---|------|
| Appendix A – Chelmsford Demographics | 24 |
| Appendix B – List of Consultees | 26 |
| Appendix C – Delegated Functions | 28 |
| Appendix D – Glossary of Terms | 30 |
| Appendix E – Guidance and Best Practice | 34 |

1 Fundamental Principles

1.1 In exercising its functions under The Licensing Act 2003 (the Act), Chelmsford City Council (the Licensing Authority) must have regard to the Act, each of the regulations made in support of the Act, the guidance issued by the Secretary of State pursuant to s. 82 of the Act and this policy. There is an overarching aim in the promotion of the four 'licensing objectives' that are set out under Section 4(2) of the Act: -

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

Each objective will carry equal weight of attention and consideration i.e. no single objective is any more important than the other.

1.2 Our policy is clear that:

- Licensing is about regulating licensable activities on licensed premises, undertaken by qualifying clubs and temporary events within the terms of the Act; and;
- Any conditions attached to various authorisations will focus on matters which are within the control of individual licence holders and others with relevant authorisations i.e. the premises and its 'vicinity'.

1.3 Applicants are advised to evidence what detailed control measures are intended within the operating schedule of their application after considering the potential risks and taking account of relevant circumstances within the immediate area, and any impact on other neighbouring residents and businesses.

1.4 The Licensing Authority and responsible authorities (see Chelmsford City Website: <https://www.chelmsford.gov.uk/resources/assets/inline/full/0/4267281.pdf>) will have certain expectations in relation to the considerations and proposals contained within the operating schedule and therefore applicants are strongly advised to have regard to this statement of licensing policy and where possible to consult with the authorities prior to submission and in doing so, minimise the risk of representation or additional costs involved with resubmission.

1.5 The responsibility to fully comply with the requirements of the Act sit with the applicant.

1.6 When completing an operating schedule, applicants should avoid duplication of any legal obligation outside of The Licensing Act 2003 e.g. smoking, health and safety, noise outside of opening hours etc.

1.7 Our policy covers a wide variety of different types of premises but is unable to cover every factor that might influence meeting the requirements of promoting the licensing objectives in every situation and therefore unable to cover every appropriate control measure.

1.8 Where no relevant representations are received, it is the duty of the Licensing Authority to grant the licence subject only to conditions consistent with the operating schedule and the mandatory conditions under the Act using the general principles contained within the revised guidance (s.182 para. 1.16).

- 1.9 Where a valid representation is made the Licensing Authority will make objective judgements and consider (at a hearing) whether any conditions need to be attached to a licence in order to secure the licensing objectives. Such conditions will focus directly upon the activity proposed and those attending the premises, those affected by living within the vicinity or carrying out a business, or other persons who might feel affected. The Licensing Authority may also reject the application.
- 1.10 Licensing law is not the primary legislation or mechanism for controlling individuals once they are away from the premises and therefore beyond the direct control of licence holders, but licence holders may influence behaviour through their failure to control alcohol consumption and other behaviours whilst at the venue. Reasonable steps should therefore be taken to promote the licensing objectives immediately outside the premises, particularly in relation to crime and disorder and public nuisance e.g. the generation of unassociated litter and anti-social behaviour.
- 1.11 Licensing policy will take a holistic approach to the management of the night-time economy; other mechanisms that might be utilised to tackle the behaviour of patrons when beyond the vicinity of the premises which might include:
- Measures to create a clean safe environment in partnership with local businesses, transport providers and departments of the local authority
 - The provision of CCTV, taxi ranks, public conveniences late at night, street cleaning and litter patrols
 - Use of powers to designate areas of the city where alcohol cannot be publicly consumed (See *Chelmsford City Website* <https://www.chelmsford.gov.uk/business/licensing/alcohol-licensing/licensing-policies-and-objectives/> (*Chelmsford PSPO and Map*))
 - Law enforcement in the area
 - Confiscation of alcohol from persons within a designated area
 - Use of police closure powers
 - Other local initiatives such as street pastors
- 1.12 The Licensing Authority is under legal obligation to have due regard (section 149 Equality Act 2010) for the need to eliminate unlawful discrimination, harassment or victimisation; to advance equality of opportunity and to foster good relations between persons of different protected characteristics;
- Those protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.13 The impact of this policy on the requirements of the Equality Act will be assessed in line with the Council's adopted procedure.
- 1.14 When considering applications, the Licensing Authority will have regard to the Act, the guidance issued under s. 182 of the Act, the licensing objectives, supporting regulations and this policy.
- 1.15 The Licensing Authority may deviate from its own policy where it is appropriate to do so in order to promote the licensing objectives, and in doing so will give its reasons. This statement of licensing policy is intended to strike a reasonable balance between different and sometimes competing aims of policy when promoting the licensing objectives. The introduction to the current revised Guidance at paragraph 1.5 states

that the legislation also supports a number of other key aims that are considered vitally important that should be principle aims for everyone involved in licensing work.

- 1.16 Where no relevant representations are received, it is the duty of the Licensing Authority to grant the licence subject only to conditions consistent with the operating schedule and the mandatory conditions under the Act using the general principles contained within the revised guidance (s.182 para. 1.16).
- 1.17 This Statement of Licensing Policy does not undermine the right of any individual to apply under the terms of the Act for a variety of permissions and have any such application considered on its individual merits (s. 182 para. 14.10). This Statement of Licensing Policy does not override the right of any person to make representations in respect of an application or seek review of a licence or certificate, where provision has been made for them to do so within the Act (s.182 14.11).
- 1.18 Our policy is intended to facilitate a broad range of entertainment provision by a wide cross section of the community and will take care to avoid any indirect or disproportionate costs or make any requirement that might be considered a 'blanket policy'.
- 1.19 This Policy Statement takes effect on 31st January 2021 and will remain in force for a period of not more than 5 years from that date. This policy may be reviewed at any time during this period.

2 Introduction and Profile of Chelmsford City Area

- 2.1 Chelmsford City Council is a non-unitary authority in the heart of Essex covering an administrative geographical area of 342.2km² (131square miles). As well as a thriving city, the district encompasses a number of established villages and the town of South Woodham Ferrers. It was granted city status in 2012.
- 2.2 Chelmsford's population has experienced rapid growth in recent years and will continue to grow. Chelmsford's population is 168,000 and by 2026 it is estimated that it will have grown to some 200,000 people. For a demographic makeup of the Chelmsford City area see **Appendix A**.
- 2.3 There are 80,000 jobs and 6,000 local businesses located within Chelmsford, making it the largest employment centre in Essex and Suffolk and a major employment centre in the South East.
- 2.4 With an annual footfall of over 8.5 million passengers, Chelmsford railway station is the busiest in the East of England. At peak times, eight trains per hour connect Chelmsford with London Liverpool Street.
- 2.5 Chelmsford is home to Anglia Ruskin University, Writtle Agricultural College and The Chelmsford City Racecourse. It is the headquarters of Essex County Council, Essex Police, Chelmsford Prison and the Crown, Magistrates' and County Courts.
- 2.6 At the time of consulting, the City District has 537 licensed premises, 33 premises with club premises licences and the Licensing Authority has issued 2,229 personal licences. Over the 5 year period 2015 - 2019, an average of 360 Temporary Event Notices were received each year with these increasing by more than 50% over this period. Chelmsford's open spaces and good transport links has attracted large scale

licensable activities including national music events such as the ‘V’ and Rize festivals hosted at Hylands Park as well as annual City Centre Pride and Real Ale festivals.

- 2.7 In recent years Chelmsford has seen considerable investment increased in development across the City centre that have greatly added to a diverse range of leisure facilities making the City an attractive place to visit for work and to be entertained. Information on the local business and population profile and support for businesses in urban and rural environments can be obtained through the Council’s Economic Development and Inward Investment Team.
- 2.8 Chelmsford’s crime rate is lower than the UK average and the City partnerships oversee a well-managed night-time economy, encouraging participation in the national ‘Best Bar None’ accreditation scheme and has worked in partnership to successfully achieve purple flag status since 2013.
- 2.9 Since June 2014, the entire District, with limited exceptions, has covered by a Consent Street Order under the Local Government (Miscellaneous Provisions) Act 1982 which regulates all and any on-street trading.
- 2.10 Public Space Protection Orders (PSPOs) are also in place to restrict the distribution of leaflets and advertising material, the display of A boards and on-street advertising. This legislation has also been successfully used in the restriction and confiscation of so-called ‘legal highs’ at licensed events. PSPOs currently in place can be viewed on the Council’s website.

3 Licensing Policy - Vision Statement

- 3.1 Chelmsford City Council (The Licensing Authority) want the City of Chelmsford to offer a wide choice of high quality, well managed entertainment and cultural venues, operating within a safe, orderly and attractive environment; valued by those who live here, work here and those who come to visit. The Council want businesses to operate responsibly and safely to ensure our residents live in decent neighbourhoods and have a good quality of life.
- 3.2 Our stated priorities (Chelmsford City Council – ‘Our Plan’):
 - a fairer and inclusive Chelmsford: promoting sustainable and environmentally responsible growth to stimulate a vibrant, balanced economy, a fairer society and providing more housing of all types.
 - a safer and greener place: making Chelmsford more attractive, promoting Chelmsford’s green credentials, ensuring communities are safe and creating a distinctive sense of place.
 - healthy, active and enjoyable lives: encouraging people to live well, promoting health and activity and reducing social isolation, making Chelmsford a happier place to live, work and play.
 - connected Chelmsford: bringing people together, empowering local people and working in partnership to build community capacity, stronger communities and to secure investment in the city.
- 3.3 Chelmsford City Council has wide experience in regulating licensed entertainment in Chelmsford City which has recently seen considerable increase in leisure business. The Council is also responding to the change in the nature the High street, with the daytime trade flowing into the night-time economy offering a scale and diversity that is unique within the County of Essex, bringing both cultural and financial benefits. The

Council believes that good management of entertainment and the street environment in which it operates is essential to the continued success of the City, which attracts a wide range of people wishing to come here to work, visit and live.

4 Statement of Licensing Policy

- 4.1 The 2003 Act requires that the Licensing Authority publish a 'Statement of Licensing Policy' that sets out the principles by which Chelmsford City Council intends to discharge its functions as the Licensing Authority under the Act in the promotion of the licensing objectives (S. 4(2) of the Act).
- 4.2 In preparing this statement of licensing policy, the Council has had regard to and consulted those involved in its local strategies on crime prevention, planning, transport, culture, tourism and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amendment of these strategies will be considered for their impact on this statement of licensing policy.
- 4.3 Further, arrangements will be made for the Licensing Committee to receive reports - when appropriate - on the needs of the local tourist economy to ensure that these are reflected in their considerations. The Licensing Committee may also be appraised of the local employment situation and the need for new investment and employment, where appropriate.
- 4.4 To ensure proper integration with the Council's planning policies, the Licensing Committee may be required to provide reports to the Planning Committee, where appropriate, on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder, to enable the planning committee to have regard to such matters when making its decisions.
- 4.5 The Council has decided that there is no evidence base or justification to consider a Cumulative Impact policy.
- 4.6 This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the Act, having regard to the specific guidance pursuant to s.182 of the Act at paragraph 14.
- 4.7 The Licensing Authority is responsible for considering applications for the grant of the following;
- Premises Licences,
 - Club Premises Certificates,
 - Personal Licences and
 - Temporary Event Notices in relation to the sale or supply of alcohol, the provision of public entertainment and
 - Late night refreshments.
- 4.8 The Licensing Authority is also concerned with any changes made or sought in respect of those licences that they have issued. Any reference to Premises Certificates will also include reference to Club Premises Certificates as appropriate.
- 4.9 The Licensing Authority is not bound by the decision of any other licensing regime unless any decision has direct relevance to any of the licensing objectives and there is no legal basis to refuse the issue of a licence where other permissions have not been granted e.g. planning permission.

- 4.10 The Act requires the Licensing Authority to monitor, review and, where appropriate, amend its Statement of Licensing Policy. The Licensing Authority will consult with Responsible Authorities and interested parties prior to amending any part of the policy and in preparing its Statement of Licensing Policy for each future 5-year period.
- 4.11 This Policy Statement takes effect on 31st January 2021 and will remain in force for a period of not more than 5 years from that date. This policy may be reviewed at any time during this period.
- 4.12 When assessing applications, the Licensing Authority must be satisfied that the control measures proposed within the applicant's operating schedule – in the promotion of the four licensing objectives – are likely to achieve their aims having considered all the risk factors and that they have taken a realistic approach as to whether they are likely to be achievable.

5 Consultation

- 5.1 Our Statement of Licensing Policy has been widely consulted on for the purpose of this 5-yearly review and a list of consultees can be found at **Appendix B**.
- 5.2 The Act requires that the following parties are consulted on by the Licensing Authority:
- a) The Chief Officer of Police for the Licensing Authority area
 - b) The Fire Authority for the area
 - c) The director of Public Health for the authority's area
 - d) Such persons as the Licensing Authority considers to be representative of holders of premises licences and Club Premises Certificates issued by the authority
 - e) Such persons as the Licensing Authority considers to be representative of personal licence holders issued by the authority, and
 - f) Such persons as the Licensing Authority considers representative of businesses and residents in its area
- 5.3 In addition, the Licensing Authority chose to consult further local groups and organisations, namely:
- a) Remaining Responsible Authorities under the Act
 - b) Other areas of the local authority
 - c) Various faith groups, voluntary organisations and Citizens Advice Bureau, and;
 - d) Groups having influence on the night-time economy.
- 5.4 A full list of Responsible Authorities as consultees in respect of applications made under the Act can be found at Chelmsford City Website
https://www.chelmsford.gov.uk/_resources/assets/inline/full/0/4267281.pdf

6 Approval

- 6.1 This policy was approved by the full Council at a meeting held on [Date to be inserted] published on its website and made available to consultees. Copies of the policy are available on request.

7 Exchange of Information

- 7.1 The Licensing Authority is under a duty to protect the public funds it administers and may therefore use information provided by applicants for the prevention and detection of crime. It may also share information provided with other responsible bodies responsible for the auditing and administering of public funds.
- 7.2 In accordance with the provisions of the Crime and Disorder Act 1998, The Licensing Act 2003, Data Protection Act 2018 and The General Data Protection guidelines, the Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.

8 Public Register

- 8.1 The Licensing Authority is obliged to keep a public register which may be viewed online or in person by appointment during office hours. Requests for any additional information should be directed through the Council's information team at FOI.Mailbox@chelmsford.gov.uk where the request will be considered and information provided where lawful and appropriate.

9 Compliance and Enforcement

- 9.1 In exercising its functions in respect of compliance with the conditions of the licence and requirements under the Act, including the inspection of premises and to the institution of proceedings in respect of any relevant offences, or the calling of a licence to review the licensing authority will follow best practice. This requires that its actions should be: -
- Proportionate – intervention only where necessary. Remedies appropriate to the risk posed with costs identified and kept to a minimum.
 - Accountable – The Licensing Authority will ensure that it is able to justify its actions and decisions and be subject of public scrutiny.
 - Consistent – Any rules and standards shall be joined up and implemented fairly.
 - Transparent – enforcement will be carried out openly with regulations enforced simply and user friendly.
 - Targeted – enforcement will be focused on the problems and thereby minimise any side effect.
- 9.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as is possible and will adopt a risk-based inspection programme.
- 9.3 The main enforcement and compliance role of the Licensing Authority is to ensure compliance with the processes in granting and the licences and permissions that it authorises. Where appropriate it may conduct joint inspections of licensed premises or premises seeking a licence, together with other enforcing agencies. It is expected that other responsible authorities will have primary engagement with licence holders relative to the area of expertise of that authority e.g. crime and disorder by Essex Police, underage sales by Trading Standards, fire Safety by Essex Fire and Rescue Service etc.

- 9.4 Where appropriate, complaints will be investigated in accordance with a stepped approach outlined in the Regulators Code of practice issued by the Minister of State for Business and Enterprise in accordance with section 23 of the Legislative and Regulatory Reform Act 2006. Regulators are obliged to have regard to this Code when developing policies and operational procedures that guide their regulatory activities. A copy of this code can be found at <https://urlzs.com/DXXfR> and a copy of the Act at <https://urlzs.com/zbAbQ>

10 Licensing Applications & Licensing Objectives

Operating Schedules

- 10.1 It is the operating schedule within a new grant application, submitted by or on behalf of the applicant that will set out the control measures intended to reduce the perceived risk that the application - if granted - might present to the licensing objectives. This schedule will be referred to when setting out any attached conditions and in the absence of any representations only matters referred to in that schedule will be applied. The Licensing Authority have discretion to disregard any control measure that does not directly promote any licensing objective or where the applicant offers a control measure that is otherwise required under any other enactment (as previously covered)
- 10.2 A statement of licensing policy should not set out any 'blanket conditions or policy' intended to apply to every licence issued by the Licensing Authority. However, the guidance to the Act states that it is not acceptable for Licensing authorities to simply replicate the wording contained within the operating schedule and that any condition attached to a licence should be interpreted in accordance with the applicant's intentions (para. 10.5)
- 10.3 The guidance goes further to suggest that any condition will be consistent and 'substantially the same' as that intended by the operating schedule and that any condition should be expressed on a licence or certificate in ***unequivocal and unambiguous terms*** and that they should be clear to the licence holder, club, enforcement officers and the courts (para. 10.7).
- 10.4 The relevant licensing legislation has now been in effect since 2005, since which time the Licensing Authority and Responsible authorities have had considerable experience in ensuring that conditions have been appropriately applied in accordance with that guidance.
- 10.5 Where appropriate control measures are offered in an application that relates to a Premises Licence or Club Premises Certificate, licensing officers – as delegated by the Licensing Authority – will apply wording from [the Council's] established set of model conditions, (see Chelmsford City Website: <https://www.chelmsford.gov.uk/resources/assets/inline/full/0/4267287.pdf>) unless the applicant or their agent states otherwise and provides alternative wording that meets with recommendations at Section 10 of the 182 Guidance. These model conditions are presented in line with the Licensing Objectives.
- 10.6 The model conditions are constantly evolving alongside experience and changing business styles and are correct at the time of consultation. The model conditions will be regularly updated and published on the Council's website without further need to amend this policy.

- 10.7 Neither the list of model conditions, nor the advice offered at the following sections, can cover every style of business and identify all risk factors. Whilst our set of model conditions is extensive, the list is clearly not exhaustive. It is therefore the responsibility of the applicant to consider these control measures and identify any additional measures that might be necessary.

Prevention of Crime and disorder

- 10.8 In addition to the requirements of the Act, Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority when carrying out its various functions to do all it reasonably can to prevent crime and disorder.
- 10.9 When addressing the issue of crime and disorder the applicant is advised to demonstrate in the operating schedule that the more common causes behind the factors have been addressed and that appropriate control measures have been proposed. Applicants should also consider the style and size of the business and have due regard to existing and foreseeable crime within the area and further crime data can be found at www.police.uk

Factors that might normally be considered may include:

- Underage drinking
 - Drunkenness on premises and in the vicinity
 - Drug misuse
 - Violent behaviour
 - Anti-social behaviour
 - Control of patrons whilst arriving, on or leaving the premises
 - Local crime data
 - The overall nature of the area
- 10.10 The following examples of control measures are provided in order assist applicants and are considered to be among the most important when considering risk:
- Effective and responsible management and supervision of the premises, including outside areas
 - Appropriate instruction, training and supervision of those employed or engaged to prevent crime and disorder
 - Keeping appropriate training records
 - Adoption of any best practice guidance
 - Having an effective proof of age policy
 - Provision of CCTV (where appropriate)
 - Use and deployment of door staff
 - Materials of drinking vessels
 - Engaging with local initiatives e.g. Pubwatch, Best Bar None etc
 - Communication between other licensed premises
- 10.11 It is expected that the Designated Premises Supervisor (DPS) should be able to demonstrate that they have day to day control of the premises and that ideally, they should be contactable in an emergency and that in the absence of the DPS, staff are properly authorised. There is no expectation that a DPS should be on site at all times when the premises is open for the sale or supply of alcohol.

Public Safety

10.12 The Licensing Authority is committed to ensuring that the safety of any person visiting or working on licensed premises is not compromised. Applicants are advised to consider how they can demonstrate in the operating schedule that risks have been identified and that suitable and sufficient safeguards have been put in place in order to ensure public safety.

10.13 factors that might identify the need for a control measure might include:

- The numbers of people frequenting the premises
- The condition, layout and design of the premises
- The nature of the activities being provided
- Adoption of any best practice guidance
- Customer profile
- The use of special effects e.g. lasers, pyrotechnics etc
- Access of emergency services
- The provision of toilet, potable and waste water (events)

Some of these measures (or additional measures) might be dynamic in that the requirements might change on a frequent basis. There is often therefore a need to carry out risk assessments on an ongoing basis dependent upon the style and nature of the activity.

10.14 Control measures that an applicant might consider within an operating schedule might include:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises or events
- Appropriate training, instruction and supervision of those employed or engaged in security and safety of those present.
- The keeping of appropriate training records
- Adoption of best practice
- Provision of effective CCTV (if applicable)
- Implementation of crowd management measures
- Provision or access to any first aid facility

10.15 There shall be strict adherence to COVID-19 regulations and guidance in and around the venues.

Prevention of Public Nuisance

10.16 Licensed premises have a significant potential to impact adversely on communities through public nuisance as a result of their business operation, particularly where the business is near to residential properties. The licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the activities. However, the Licensing Authority will have due regard to any development of residential property that is established after the grant of a licence. In such circumstances the responsibility of the developer will be taken into account if they could and should have taken such reasonable steps to minimise the effect of such nuisance e.g. the provision of insulation or double or triple glazing.

10.17 'Public Nuisance' in this context will be construed to have its widest interpretation and takes account of noise and disturbance, light pollution, odours, litter and anti-social behaviour.

10.18 Applicants or their agents should consider in their operating schedule how the impact of nuisance will be identified and how sufficient reasonable measures can be implemented and maintained in order to prevent public nuisance over which their business might have a causal link, either on or within the vicinity of the premises.

10.19 Factors that might identify risk of public nuisance might include:

- Location of premises (including any associated open areas) and their proximity to residential premises or other sensitive venues.
- Customer profile
- Hours of operation
- Nature of activities proposed
- Design and layout of the premises
- The capacity of the premises
- Availability of public transport
- Any noise adjustment period at the end of an evening
- Times of last admission
- Last admission times and closing times of other nearby premises

10.20 The following examples of control measures are provided as a guidance for applicants when considering the mitigation of any identified risks associated with public nuisance. The applicant will need to consider any additional unique factors that might require further consideration to those suggested here:

- Effective and responsible management of the operating within the business together with any outside areas such as seating facilities and smoking areas
- Appropriate training, instruction and supervision of staff
- The keeping of any staff records
- The control of deliveries and movement of goods during operating hours
- Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and where appropriate, sound limiting devices
- Signage to customers when entering or leaving premises
- Management of the movement of people and traffic arriving and leaving the premises including the management of queues and taxi's.
- The siting of external lighting, including security lighting.

10.21 Premises Licence holders will be expected to manage external areas used in connection with their business, including beer gardens and smoking areas through:

- The development of a plan on how to manage smoking on the premises and ensure that all staff are aware of the contents of the plan. Noise created from smoking areas can often give cause for complaint. Along with general noise created among customers. Staff should be aware and be proactive in the implementation of that plan.
- Compliance with any planning restrictions or conditions that might otherwise impact on the licensing objectives.

- Ensuring structures comply with the design criteria contained within the Health Act 2006 and that any awnings and retractable canopies have the relevant planning permission and building control consent.
- That any tables and chairs are properly licensed under the Highways Act 1980 (where applicable) and that layout, lighting and obstruction does not cause a nuisance.
- Ensure any outside lighting is correctly positioned and of such illumination as to not cause a light nuisance.
- Ensure that door supervisors are supportive and correctly involved with any town centre communications system e.g. DISC or Publink radio.

Protection of Children from Harm

- 10.22 Chelmsford City Council have a duty to safeguard the vulnerable within the community and will therefore be looking to ensure applicants have given due consideration through their operating schedules and have put in place appropriate control measures after carrying out a full risk assessment.
- 10.23 Family friendly premises are to be encouraged as part of the diversity of entertainment made available to everyone but not at the risk of potential harm that this might cause to children. It should be remembered that many licensed venues will be frequented by young people in addition to pubs, bars and clubs such as restaurants, cinemas, theatres and school events. Therefore, admission to children will always remain at the discretion of management, with no presumption of giving them access or equally, preventing them from doing so.
- 10.24 The protection of children from harm includes moral, psychological, emotional and physical harm and is generally construed as related to the activities and effect of children on the premises rather than the mere presence of a particular type of business, other than where unsuitable advertising might be considered as undermining this objective e.g. advertising on public display outside sexual entertainment venues.
- 10.25 No condition can be attached to a licence that insists children to be admitted to any licensed venue although an applicant may offer that condition within their operating schedule.
- 10.26 In respect of the exhibition of a film or the showing of a video, this may include the exposure of children to strong language, sexual references and violence. The Licensing Authority will expect licence holders to implement measures that restrict children from viewing age restricted films, classified according to the recommendations of the British Board of Film Classification.
- 10.27 Applicants are advised to consider how they can demonstrate within the operating schedule that suitable and sufficient measures have been identified and what safeguards will be put in place and maintained as applicable.
- 10.28 Factors that might need to be considered may include:
- Where entertainment of an adult nature is being regularly provided
 - Where there have been convictions of staff at the premises for serving alcohol to minors or allowing consumption
 - Premises or events that attract a young adult profile, or premises or events that appear to be linked to underage sales or drinking

- Proxy sales of alcohol to minors (i.e. adults purchasing for children under 18 yrs. to consume)
- The premises have a known association with drug taking or supply

10.29 The following examples of control measures are provided to assist applicants and considered to be among the most relevant to be taken into account when considering the completion of an operating schedule.

- Effective and responsible management of the operation of the business including any outside areas
- Appropriate training, instruction and supervision of staff
- The keeping of any staff records
- Adoption of best practice
- Imposition of requirements to limit the hours children are permitted on the premises, part of the premises or direction in respect of the supervision of children by an adult
- Measures to ensure that children do not purchase, acquire or consume alcohol
- Having properly qualified staff available to manage licensable activities where children are likely to be present
- Adoption of a 'Challenge 21/25 policy or similar

10.30 Where premises provide gaming facilities, licensed or permitted under the Gaming Act 2005 the Licensing Authority will expect measures put in place to prevent children from accessing machines. This should include the appropriate training of staff and the keeping of training records, as well as measures to ensure machines are appropriately monitored by staff e.g. supervision or placing in clear view. Such measures should be highlighted in the operating schedule.

Regulated Entertainment

10.31 A diverse provision of cultural activities for the benefit of communities is welcomed and supports Chelmsford City Council's wider priorities as set out in 'Our Plan' (see para 3.1 above). The Council will need to balance the natural concerns of residents to prevent disturbance against the wider cultural benefits, especially for children, of permitting regulated entertainment. This includes activities such as live music, dancing, theatre and the showing of films. The Licensing Authority maintains a neutral stance in respect of all licence applications with each application being assessed on its own merits and the only considerations being the promotion of the four licensing objectives. This approach ensures that no unreasonable restrictions will be imposed which would discourage cultural events.

Garages and Petrol Stations

10.32 Garages primarily used for the sale of vehicles, vehicle maintenance and the provision of fuel are specifically excluded as premises not suitable as licensed for the sale of alcohol.

10.33 In determining applications for garages, (i.e. forecourt shops) the Licensing Authority must decide whether or not the premises are **primarily** used as a garage and will expect applicants to submit data which establishes the **primary use**. Where that information is not available (due to premises not yet trading), the Licensing Authority may consider a condition requiring this information be provided on a regular basis in the following years to establish the **primary use**.

Late Night Refreshments

10.34 There are no exemptions for the requirement of premises to be licensed for the provision of late night refreshments under Paragraph 2A of Schedule 2 of the Licensing Act 2003 (as inserted by the deregulation Act 2015)

The Late Night Levy

10.35 Chelmsford City Council has determined to implement a late-night levy in the district of Chelmsford in accordance with powers conferred by the Police Reform and Social Responsibility Act 2011.

10.36 The levy is an additional fee where holders of relevant authorisations are required to pay annually, at the same time as their annual licence fee becomes due.

10.37 In Chelmsford, a relevant authorisation is a premises licence or club premises certificate which authorises the sale of alcohol between the hours of 01.00 and 06.00 on any day of the year (the late-night supply period).

10.38 Certain premises are exempt from paying the levy, and the permitted exemption categories to apply are:

- Premises providing overnight accommodation where alcohol can only be supplied to persons staying at the premises for consumption on the premises.
- Theatres, cinemas and bingo halls.
- Premises authorised to supply alcohol for consumption on the premises between midnight and 6.00 am on 1st January in every year (but are not so authorised at those times on any other day in any year).

10.39 The levy came into effect on 1st November 2014, and money generated will be used to combat alcohol related harm in the nighttime economy.

10.40 Further guidance, including the amount of levy payable by a premises licence holder, can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/98126/late-night-levy.pdf

11 Online Applications

11.1 The above paragraphs relate mainly to the submission of Premises Licence Applications and Club Premises Certificates regarding the considerations that should be made before submission and reflected within the operating schedule. All applications with the exception of applications to review a Premises Licence or Club Premises Certificate, or a Temporary Event Notice can be made online at the City Councils website: www.chelmsford.gov.uk/business/licensing/alcohol-licensing/

- 11.2 Further guidance necessary to make applications can also to be found via our website. Notifications such as loss or theft of a licence, removal of a Designated Premises Supervisor by the Premises Licence holder etc can be made via email to the Licensing Officers for the Council.
- 11.3 Similar considerations are also applicable where an applicant makes application for a Minor or Major Variation of a licence already issued by the Licensing Authority. A copy of the Home Office Guidance in relation to Minor variations can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/98157/guidance.pdf

Where there is any doubt in respect of interpretation, applicants are advised to seek clarification from the Licensing Officers of the Licensing Authority.

- 11.4 Minor Variations may be rejected where the Licensing Authority considers that such a variation might have an adverse impact upon the licensing objectives and where this view is supported by other relevant Responsible Authorities as well as any representations made by other persons and may refuse the application without the opportunity for a hearing or appeal. This may be avoided through prior consultation discussion with licensing officers where an alternative option might be suggested to make an application to fully vary the licence.
- 11.5 Plans must be submitted together with applications for the grant of a Premises Licence and Club Premises Certificate (and in some case, plans to vary a licence) in accordance with Regulation 23(1) and (unless otherwise agreed with the Licensing Authority) comply with 23(2) & (3) of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations, Part 4.
- 11.6 Plans are a necessary part of the application process in order to assist the Licensing Authority and other Responsible Authorities in determining whether the licensing objectives might be undermined and may be rejected or the application restarted if the plans fail to meet expectations.
- 11.7 Application forms are set by statute and most can be submitted online with the exception of applications to review a Premises Licence or Club Premises Certificate. Online applications and further information can be found on the Council website:

<https://www.chelmsford.gov.uk/business/licensing/alcohol-licensing/>

- 11.8 Notifications such as loss or theft of a licence, removal of a Designated Premises Supervisor by the Premises Licence holder etc can be made via email to the Licensing Officers for the Council: licensing@chelmsford.gov.uk

Tacit Consent

- 11.9 The consent by silence. The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under a scheme of delegation. In such circumstances the licence will be granted by 'tacit consent' - as applied for - with the exception of an application for a minor variation where the matter will remain undetermined until decided by the Licensing Authority.

- 11.10 Where Tacit consent applies the applicant may carry out licensable activities as if the licence was granted provided all relevant timescales have been met.

Temporary Event Notices

- 11.11 A Temporary Event Notice (TEN) is usually a 'one off' e.g. a wedding, birthday or wake, or a departure from an existing authority that might otherwise restrict an event in accordance with any existing conditions e.g. children normally not allowed on the premises but on this occasion the licence holder wanted to facilitate a family gathering. Other examples include wanting longer hours for a specific event or having a temporary bar at a charitable function. The use of TEN's are extensive but in order to prevent their misuse they come with strict guidelines that are available The Council's website and set by legislation.
- 11.12 There are two types of TEN's, a standard TEN and a Late TEN. A standard TEN is one given with 10 working days (or more) notice and a Late TEN is where less than 10 working days and more than 5 working days notice is given of the event, usually as a last minute or unforeseen plan.
- 11.13 To calculate the minimum number of days' Notice required for any TEN, the premises user (the person giving the notice) must disregard both the day the notice is given and the day of the event. A working day is not a day of a weekend or a Bank Holiday day.
- 11.14 The day 'given' may be any day if given electronically. Where the notice is delivered by hand or by post, the day 'given' will be the first working day after the date it is received. Therefore, a Notice submitted electronically at a weekend for an event the following weekend will have 5 clear working days between the date given and the day of the event, unless one of those days was a Bank Holiday.
- 11.15 A TEN given outside of these parameters would be unlawfully given and therefore outside of the ability of the Licensing Authority to process or permit. In all cases where a TEN is disallowed - where it is given outside of any statutory limit - a counter notice will be issued by the Licensing Authority. If the event were to go ahead it would be unlicensed and therefore unlawful.
- 11.16 Where a representation is received in relation to a standard TEN the premises user may request a hearing before the licensing sub-committee. Where a representation is received in respect of a Late TEN no such hearing is permitted
- 11.17 Persons carrying out an event outside of a Premises licence or a TEN must take care not to be in breach of legislation where considering hospitality bars (where a person pays what they feel is appropriate without any set charge) as these are often unlawful, whereas genuinely free bars (e.g. at a wedding) require no licence.
- 11.18 TEN's may only be used for events of no more than 499 persons inclusive of staff and entertainers.

Designated Premises Supervisors (DPS) in Community Premises

- 11.19 Community premises may have a licence to supply alcohol without the requirement to have a Designated Premises Supervisor(DPS).

- 11.20 An application to disapply the mandatory condition requiring a DPS may be made by a management committee of community premises. The following condition will be attached to the premise licence: "Every supply of alcohol under the premises licence must be made or authorised by the management committee."
- 11.21 If the sale of alcohol is authorised the management committee of the premises can apply to remove the mandatory condition in relation to the DPS and having a personal licence holder authorise sales. The sale of alcohol will be authorised by the management committee.
- 11.22 Church halls, chapel halls, parish halls, community halls, and village halls are each examples of community premises. Where it is not clear whether premises are community premises, the matter will be approached on a case-by-case basis, with the main consideration being how the premises are predominantly used. If they are:
- genuinely made available for the benefit of the community most of the time;
 - accessible by a broad range of people and sectors of the local community;
 - providing facilities to benefit the community as a whole;
 - are likely to be considered as 'community premises'.
- 11.23 The application form requires the applicant to provide the names of the management committee's key officers to the Licensing Authority. The Licensing Authority must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises.
- 11.24 Existing premises licence holders must pay a fee to make this 'disapplication' and the process takes 28 days. Details can be found on the Councils' website.
- 11.25 In exceptional circumstances the police may object to this request where there are grounds to do so under the crime and disorder objective. In such an instance the Licensing Authority will hold a hearing to determine the application.

12 Representations

- 12.1 Representations may be made by any of the following:
- 1) Responsible Authorities (See Chelmsford City Website <https://www.chelmsford.gov.uk/resources/assets/inline/full/0/4267281.pdf>)
 - 2) Any other person – regardless of geographical location, provided it is not considered repetitious, vexatious or frivolous in the opinion of the Licensing Authority.12.2
- 12.2 A representation is similar to an objection, where a person or body making the representation has a genuine belief that if the application was granted that the licensing objectives would be undermined.
- 12.3 There should be no assumption that the application should be declined and there are a number of options open to the licensing sub-committee who will consider those representations. Those options are:

- To modify, alter or add to any condition
- To modify the days or times between which a licensable activity might be permitted
- To exclude certain activities from the licence
- To seek appointment of a different designated premises supervisor
- To reject an application

Additionally, in the case of an application to review a licence;

- To revoke the licence
- To suspend the licence for up to 3 months

- 12.4 Any representation must relate to named premises and must relate to one or more of the four licensing objectives in order to be considered relevant. The licensing Authority will need to be satisfied that there are grounds to believe that there is an evidential link or genuinely held belief that the objectives would be undermined and not merely a repeat of the objectives, and that there was also a link between that belief and the premises in question. Where the licensing authority believes that the representation is not relevant or in the case of a person other than a responsible authority is repetitious, vexatious or frivolous the Authority may disregard it as being invalid.
- 12.5 Representations can also be made in support of an application.
- 12.6 All notifications of formal representation will be provided to the applicant. Any person making representation should be aware that letters are copied to the applicant without deletion of any personal details. The Licensing Authority will not edit a letter before sending it to the applicant.
- 12.7 The Licensing Authority accepts that in exceptional circumstances, a local resident may be reluctant for their personal details to be disclosed to the applicant because of fears of intimidation or violence.
- 12.8 Where the Licensing Authority consider that a relevant representation has been made and is satisfied that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, personal details of the complainant, such as their name and address may be withheld from the copy of the representation that is provided to the applicant. If a representation is received completely anonymous, it will be disregarded.
- 12.9 Applications and any relevant objections will be made available to view via the council website without the disclosure of any personal details. Further information will be provided in respect of the details of the hearing in respect of time, date and location. Hearing are open for the public to attend. Persons making representations may be required to attend the hearing by another party.
- 12.10 Only those relevant representations submitted to the Licensing authority may be amplified upon at the hearing. New material introduced will not be heard e.g. if the representation submitted was relating to crime and disorder only the person making that representation would not later be permitted to refer to matters of public safety.
- 12.11 An applicant and a person making representation may agree to resolve issues prior to a hearing and outside of that hearing and at any time up until the day before the

hearing. Where that is the case the licensing authority may determine that a hearing is no longer necessary.

13 Licensing committee

- 13.1 The Committee is made up of 15 Councillors. Where representations have been made and remain unresolved an application will be usually be heard by a sub-committee of three members of the licensing committee.
- 13.2 When considering applications, the sub-committee shall have regard to this policy, statutory guidance, the Act and Regulations made in conjunction with the Act and the Licensing Objectives.
- 13.3 Each application is considered on its own merits.
- 13.4 If the application is approved by the sub-committee the mandatory conditions will be applied. In addition, the sub-committee will decide whether it is appropriate to attach further conditions to the licence, certificate or permission in order to promote the licensing objectives. Any conditions will primarily focus on the activities taking place at the premises on the persons attending the premises and members of the public living, working or otherwise engaged in normal activity within the vicinity of the premises. 'Vicinity' is not defined and will be given its normal everyday meaning within the context of:
- The location of the premises
 - The size of the premises
 - The nature of the entertainment or licensable activity
 - The distance from residential or business property
 - The proximity of other competing businesses within the area
 - The potential impact upon the licensing objectives
- 13.5 The Licensing Authority will avoid placing any conditions on the licence that might duplicate any other requirement by legislation or Regulation.
- 13.6 A list of functions that are dealt with by the committee or delegated to Licensing Officers can be found at **Appendix C**.

Hearings

- 13.7 Hearings are conducted in accordance with the Licensing Act 2003 (hearings) Regulations 2005. The period of time in which a hearing shall be held is determined under these Regulations in accordance with the type of application.
- 13.8 These regulations set out the procedures to be adopted, the determination and notification of applications, records of proceedings and notices etc.
- 13.9 During the pandemic of 2020, under The Health Protection (Coronavirus) Regulations 2020, temporary procedures were introduced to allow for remote (video conferencing) hearings to take place along with other procedures, best practice and local arrangements being introduced. This policy will be regularly reviewed and amended to include any changes to licensing law and practices that may arise following any formal

review over that period and also any amended guidance issued under s.182 of the Act as a result.

Administration, Exercise and Delegation of functions

- 13.10 A list of those matters that will be dealt with at committee and those which are delegated to licensing officers can be found at **Appendix C**
- 13.11 The Licensing Officers for Chelmsford City Council are delegated to deal with all aspects of the Licensing Act 2003, where no representations or objections have been made by responsible authorities or interested parties.
- 13.12 The Public health and protection services manager is delegated to make representation on behalf of the Licensing Authority as a Responsible Authority on behalf of the Council.

14 Reviews

- 14.1 A responsible Authority or any person may ask the Licensing Authority to review a premises licence or club premises certificate due to any matter arising due to, at or from the premises where the licensing objectives are being undermined.
- 14.2 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as residents or community groups. These individuals or groups are entitled to make a request for a review and may also consult or seek legal representation where there are enough grounds to do so.
- 14.3 Where the Responsible Authorities have concerns about problems identified at a premises, the Licensing Authority considers it to be good practice for them to give licence holders early warning of their concerns and where possible support the licence holder with advice and best practice which may involve the development of action plans.
- 14.4 The Licensing Authority draws attention to licence holders and Responsible Authorities to the Home Office publication, 'The Practical Guide for Preventing and Dealing with Alcohol Related Problems – What you need to know'. This document is widely referred to as good practice when dealing with problems related to licensed premises and can be found at the following web address:

http://www.balancenortheast.co.uk/library/documents/Home_Office_Guide_to_Dealing_with_Alcohol_Related_Problems.pdf
- 14.5 There is no appeal to the decision of the Authority when choosing to reject an application for review or a representation, other than by way of judicial review.
- 14.6 No more than one review will be normally permitted from a person other than a responsible authority in relation to a particular premises within any 12 month period on similar grounds except in compelling circumstances or where it arises following a closure order. Neither will a request to review a licence be considered where the grounds for doing so are considered vexatious or frivolous.

Summary Reviews (Violent Crime Reduction Act 2006)

- 14.7 Where premises are considered to be associated with serious crime or disorder a senior police officer (Superintendent or above) may apply for a summary review of a 'premises licence'.
- 14.8 If a summary review is applied for, the Licensing Authority must consider the application within 48hrs (not including any time on a day that is not a working day) and determine what interim steps (if any) are necessary prior to a full review hearing in order to promote the licensing objectives. Interim steps may be:
- The modification of the conditions of the premises licence
 - The exclusion of the sale of alcohol by retail from the scope of the licence
 - The removal of the Designated Premises Supervisor
 - The suspension of the licence
- 14.9 Although the legislation allows for the decision in the absence of the premises licence holder, the Licensing Authority will endeavour to notify the licence holder of the application having been made and of the time, date and place it will be determined (unless through necessity the matter is considered by means other than face to face), in order to afford the licence holder or representative the opportunity to attend.
- 14.10 Where the Licensing Authority decide to take any of the interim steps, its decision has immediate effect and an immediate notice of the decision must be given to the licence holder.
- 14.11 Where the licence holder makes representation in respect of the decision, the Licensing Authority must hold a hearing within 48hrs (not including time of a non-working day) of receipt of the representation and, unless withdrawn, consider those representations and any made by the police; consider whether steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.
- 14.12 The Licensing Authority must hold a full review hearing within 28 days following a summary review.

15 Appeals

- 15.1 In most cases the applicant may appeal the decision of the Licensing Authority to the Magistrates Court. The appeal must be made within 21 days following the day on which the decision was notified and must be made by:
- The applicant or their agent
 - A Responsible Authority or person making a relevant representation

- In the case of a review, the holder of the licence or certificate being reviewed

16 Suspension of Premises Licence - Non-Payment of Annual Fee

- 16.1 The Licensing Act 2003 requires that the Licensing Authority **must** suspend the premises licence or club premises certificate where the annual fee is not paid when due under s. 55(2) of the Act unless not paid due to an administrative error **either before or at the time** the fee became due the licence holder informs the Licensing Authority that it disputes either liability for payment or the amount due **and** the grace period of 21 days has not expired. The grace period is intended to allow resolution between the licence holder and the Licensing Authority. The grace period of 21 days begins the day after the notice is given and must be made on or before the date when the annual fee has become due.
- 16.2 The responsibility lies with the licence holder to remember and not for the Licensing Authority to remind the licence holder to make payment for the annual fee. It is for the Premises licence or Club certificate holder to notify the Licensing Authority within the grace period where a dispute is claimed, and 'administrative' will be given its normal everyday meaning (para. 15.3 of the s.182 guidance).
- 16.3 Where a licence is suspended the Licensing Authority will inform the licence/certificate holder in writing and specify the date on which it is to take effect. The date from which the suspension will take effect will be determined on a case by case basis but will be no earlier than two working days following receipt of the notice.
- 16.4 Any suspension of the licence following notification of non-payment of the annual fee will cease to have effect on the day that the fee has been paid.
- 16.5 Liability for payment of the annual fee will be that of the individual or company shown on the premises licence as being that of the licence holder. It is the responsibility of the licence holder to make the relevant application informing the Licensing Authority of any transfer of the licence whereupon the liability for the payment of the annual fee will become that of the new premises licence holder. The Licensing Authority are unlikely to accept any dispute where the licence holder fails to notify a transfer of the licence.

| Creation Date | Version No | Changes Made | Changes made by | Date of Change |
|-----------------------------|-------------------|---------------------------|------------------------|-----------------------|
| 14 th April 2020 | 1 | V1 Draft of 2016 | Nigel Dermott | 15/4/20 |
| 14 th April 2020 | 2 | Final draft prior to cons | Nigel Dermott | 24/6/20 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Intentionally left blank

Appendix A: Chelmsford City Demographics¹

CHELMSFORD

District in Essex (United Kingdom)

Population

The population development of Chelmsford as well as related information and services (Wikipedia, Google, images).

| Name | Status | Population Estimate 1981-06-30 | Population Estimate 1991-06-30 | Population Estimate 2001-06-30 | Population Estimate 2011-06-30 | Population Estimate 2018-06-30 |
|------------------------------------|----------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| Chelmsford | District | 139,600 | 153,500 | 157,300 | 168,491 | 177,079 |
| Great Britain and Northern Ireland | United Kingdom | 56,357,500 | 57,438,700 | 59,113,000 | 63,285,145 | 66,435,550 |

Source: UK National Statistics (web).

Explanation: 2019 boundaries.

Further information about the population structure:

| Gender (E 2018) | |
|-----------------|--------|
| Males | 87,352 |
| Females | 89,727 |

| Age Groups (E 2018) | |
|---------------------|---------|
| 0-17 years | 37,752 |
| 18-64 years | 105,448 |
| 65+ years | 33,879 |

| Age Distribution (E 2018) | |
|---------------------------|--------|
| 0-9 years | 21,190 |
| 10-19 years | 19,966 |
| 20-29 years | 20,099 |
| 30-39 years | 23,510 |
| 40-49 years | 24,502 |
| 50-59 years | 24,170 |
| 60-69 years | 18,726 |
| 70-79 years | 15,413 |
| 80+ years | 9,503 |

| Passport (C 2011) | |
|---------------------|---------|
| UK | 140,198 |
| Republic of Ireland | 1,223 |
| EU (other) | 2,916 |
| other passport | 4,527 |
| no passport | 21,047 |

| Country of Birth (C 2011) | |
|---------------------------|---------|
| UK | 155,461 |
| Republic of Ireland | 1,192 |
| EU (other) | 3,395 |
| Other country | 8,262 |

| Ethnic Group (C 2011) | |
|-----------------------|---------|
| White | 157,983 |
| Asian | 4,962 |
| Black | 2,051 |
| Arab | 318 |
| Mixed/multiple | 2,646 |
| Other ethnic group | 350 |

| Religion (C 2011) | |
|-------------------|---------|
| Christian | 104,256 |
| Muslim | 2,012 |
| Hindu | 1,213 |
| Sikh | 160 |
| Jewish | 330 |
| Buddhist | 550 |
| Other religion | 571 |
| No religion | 47,403 |

¹ https://citypopulation.de/en/uk/admin/essex/E07000070_chelmsford/

Intentionally left blank

Appendix B: Consultees

1. Chief Officer of Police for the Area
2. Fire and Rescue authority for the area
3. Director of Public Health covering the area of Chelmsford
4. Persons/ Bodies representing local premises licence holders:
 - a) Business Improvement District Board (BID)
 - b) Pubwatch Chair
 - c) British Institute of Innkeepers (BII)
 - d) National Pubwatch
5. Persons/Bodies representing club premises certificate holders
 - a) Specifically; Chelmsford Social Club
 - b) Galleywood Social Club
 - c) Chelmsford Football Club
6. Persons/Bodies representing personal licence holders
 - a) BIIAB
 - b) Highfields
 - c) CPL learning
7. Persons/ Bodies representative of businesses and residents in the area
As 4 a), b), c) and 5 a), b), & c). Additionally:
 - a) Chelmsford Street Pastors
 - b) Open Road (SOS bus providers)
8. Environmental Health (commercial)
9. Environmental Health (pollution)
10. Health & Safety
11. Essex Trading Standards
12. Chelmsford City Council Planning
13. All ward councillors for the Chelmsford City Council
14. Neighbourhood watch co-ordinators registered with Essex Police

Intentionally left blank

Appendix C - Delegation of Functions

Table: Recommended Delegation of Functions

| Matters to be dealt with | Sub Committee | Officers |
|--|-----------------------------------|------------------------------------|
| Application for personal licence | If a police objection | If no objection made |
| Application for personal licence with unspent convictions | All cases | |
| Application for premises licence/club premises certificate | If a relevant representation made | If no relevant representation made |
| Application for provisional statement | If a relevant representation made | If no relevant representation made |
| Application to vary premises licence/club premises certificate | If a relevant representation made | If no relevant representation made |
| Application to vary designated premises supervisor | If a police objection | All other cases |
| Request to be removed as designated premises supervisor | | All cases |
| Application for transfer of premises licence | If a police objection | All other cases |
| Applications for interim authorities | If a police objection | All other cases |
| Application to review premises licence/club premises certificate | All cases | |
| Decision on whether a representation is irrelevant frivolous vexatious etc | | All cases |
| Decision to object when local authority is a consultee and not the relevant authority considering the application | All cases | |
| Determination of an objection to a temporary event notice | All cases | |
| Determination of application to vary premises licence at community premises to include alternative licence condition | If a police objection | All other cases |
| Decision whether to consult other responsible authorities on minor variation application | | All cases |
| Determination of minor variation application | | All cases |

Intentionally left blank

Appendix D: Glossary of Terms

| | |
|--------------------------------|--|
| Anti-social behaviour | - generally unacceptable behaviour that falls short of being a specific criminal offence that causes upset within the local community. |
| Best Bar None | - a national accreditation scheme that assesses licensed premises |
| CCTV | - closed circuit television. |
| Challenge 21/25 | - a policy to ensure proof of age by challenging those having the appearance of being under 21 or 25yrs against set requirements. |
| Club Premises Certificate | - Similar to a Premises Licence but a venue restricted to supply of alcohol to members and guests under club rules. Supply of alcohol does not require authorisation by a personal licence holder and a DPS not required. |
| Closure powers | - closure powers available to enforcing officers available under certain conditions to close licensed premises. |
| Conditions | - Control measures identified within the operating schedule converted into conditions that are clear, enforceable and understandable. May also be attached following a hearing. |
| Cumulative Impact Zone (CIZ) | - a local policy established after consultation and data collection to ensure the licensing objectives are promoted and prevent over saturation of licenced venues within an identified area (Chelmsford does not have one). |
| DISC | - A communication system used by Pubwatch members to control those banned from premises and circulate information of interest. |
| Designated Premises Supervisor | - (DPS) The person named on the Premises Licence who normally has day to day control and is a single point of contact at the premises. |
| Late Night Levy | - following consultation and data collection, a statutory charge based on the rateable value of premises as a way of collecting funds to support additional burdens placed on local services. |
| Late night refreshments | - The sale of hot food or drink between 11pm and 5am. |
| Late TEN | - a TEN given to the Licensing Authority with less than 10 and more than 5 working days notice. |
| Licensable activities | - The sale of alcohol, regulated entertainment and sale of hot food and drink (see LA2003 for further explanation). |
| Licensing Authority | - Chelmsford City Council. |
| Licensing committee | - Individual Council members appointed to undertake functions under the LA2003. |

| | |
|--------------------------|---|
| Licensing Objectives | - The four specific objectives under s. 4(2) LA2003. |
| Licensing Sub-Committee | - those committee members selected to lead a specific hearing. |
| Mandatory Condition | - conditions that apply to all licences authorising the sale of alcohol required by the LA2003. |
| Model Conditions | - a point from which applicants might formulate a condition in the operating schedule that can be amended to be applicable and may be used in the absence of any specific instruction |
| Night time economy (NTE) | - as different to the daytime economy. Usually refers to leisure facilities open between 9pm and 6am. |
| Objection | - see Representation. A term having similar meaning. |
| Operating Schedule | - a section of a premises licence application where the applicant sets out control measures to promote the licensing objectives. |
| Personal licence | - a licence held by a person authorising them to sell alcohol. |
| Publink | - a radio system used within the NTE allowing premises to communicate with each other. |
| Pubwatch | - a local group of licence holders working together to promote the licensing objectives and keep trouble makers out of premises. |
| Purple Flag | - a national assessment scheme that measures local strategy and policy within the NTE and enabling use of its logo to promote safe communities |
| PSPO | - Public Safety Protection Order. |
| Premises Licence | - a licence issued to specific premises authorising licensable activities. |
| Premises Licence Holder | - the person named on the licence as being responsible for ensuring compliance with legislation and promotion of the objectives. |
| Representation | - a statement for or against an application made only on the grounds of undermining an objective under the LA2003. |
| Responsible Authority | - an Authority specified in the LA2003 having a function in connection with certain applications e.g. Police & Environmental Health. |
| Sec 182 Guidance | - Guidance issued by the Secretary of State under section 182 of the LA2003. |
| Standard TEN | - A TEN given to the Licensing Authority giving 10 working days or more notice. |
| Street pastors | - a faith group led voluntary organisation offering the community support and advice within the night time economy. |

| | |
|------------------------------|--|
| Tacit Consent | - consent by silence. Except for minor variations, applications are deemed granted unless subject of representation. |
| Temporary Event Notice (TEN) | - A notice given to the licensing authority of an event of a temporary nature that authorises a licensable activity. |
| The Act | - The Licensing Act 2003 (LA2003). |
| Variation of a licence | - to vary the original or existing licence to change the DPS, make minor amendments such as administrative or a major amendment to licensable activities or full variation seeking change to hours and activities. |

Intentionally left blank

APPENDIX E: References to Guides and Best Practice

(some of these links might need to be copied and pasted into your address bar)

| | |
|---|---|
| Guidance Issued under Section 182 of the Licensing Act 2003 | https://preview.tinyurl.com/luqojyy |
| Home Office - Tackling Problem related licensed Premises | https://tinyurl.com/t7yztrf |
| Regulatory enforcement code | https://urlzs.com/DXXfR |
| Legislative and Regulatory Reform Act 2006 | https://urlzs.com/zbAbQ |
| Environmental Services Enforcement Policy | www.chelmsford.gov.uk |
| Safer Clubbing | https://tinyurl.com/r8nsdcf |
| The National Alcohol Strategy | https://tinyurl.com/rcbv5fp |
| The Point of Sale Promotions | www.beerandpub.com |
| Security in Design | https://tinyurl.com/wwp9ran |
| Drugs and Pubs | www.beerandpub.com |
| Guide to Fire Precautions in Existing Places of Entertainment and Like Premises | www.opsi.gov.uk |
| The Event Safety Guide | www.beerandpub.com |
| Safety in Pubs | www.beerandpub.com |
| Good Practice Guide on the Control of Noise from Pubs and Clubs | www.ioa.org.uk |
| Licensed Property: Noise | www.beerandpub.com |
| Public Places Charter | www.airinitiative.com |
| The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks | www.portman.group.org.uk |
| The Retailer Alert Bulletin | www.portman.group.org.uk |

British Institute of Innkeepers Best Practice
Training Qualifications:
Door Supervisors
Personal Licence Holders
Other Bar Staff

www.bii.org