

Licensing Act 2003

Final Statement of Policy

2019 - 2024



Key Information (To correspond with Covalent)

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Section/Directorate:	Environmental Health, Public Spaces
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External Consultation:	Chief Officer of Police; Essex County Fire & Rescue Services Health and Safety Planning Authority Environmental Health Essex County Council (Child Protection Team) Essex Trading Standards Licensing Authority Health Body Local Solicitors who may represent the Licensed Trade; Trade Associations who may represent the Licensed Trade; All premises licensed for the sale or supply of alcohol, regulated entertainment and late night refreshment; All organisations belonging to the Council's Voluntary Services; Religious groups including: churches, faith groups, Salvation Army; Voluntary and support groups including Alcoholics Anonymous and the Citizens Advice Bureau; Town and Parish Councils; Basildon Safer Partnership Basildon Safeguarding Team Inclusion and Diversity Team, including disability groups.
Internal Consultation:	Licensing Committee 20 June 2018; key officers involved in development and review of Policy throughout process
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1. Introduction

- 1.1 This Statement of Licensing Policy sets out the principles by which Basildon Borough Council intends to discharge its functions as the Licensing Authority under the Licensing Act 2003 (referred to in this document as 'the Act').
- 1.2 The Licensing Authority is responsible for the consideration of applications for the grant of premises licences, club premises certificates, personal licences and processing temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. References in the text to licensed premises should be taken to include club premises, unless the context otherwise requires.
- 1.3 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Committee are not bound by the decisions made by a Planning Committee and vice versa.
- 1.4 There is no legal basis for a Licensing Authority to refuse a licence because the relevant premises does not have planning permission or where there are conditions on the planning permission of a premise.
- 1.5 The Licensing Authority liaises with the Planning Authority to ensure they are aware of all new and varied premises licence and club premises certificate applications. This is achieved via a weekly email. This procedure is in addition to the statutory requirement for all applicants to provide a copy of their application to the Planning Authority.
- 1.6 There are circumstances when a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours granted, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action from the planning department even in circumstances where the licensing permission allowed a later terminal hour.

2. Description of the Borough

- 2.1 Basildon Borough Council is situated in the geographical County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. The area of Basildon has a population of 174,497 (2011 census) and covers an area of 42.5 square miles. The main centres of population are in the towns of Basildon, Billericay and Wickford.
- 2.2 There is a large range and scale of entertainment/alcohol establishments in the town. The development of a college will have an impact upon the exiting infrastructure and town centre facilities.
- 2.3 A further description of the Borough can be found in Appendix 1. A map of the area is attached to this policy document at Appendix 2

3. Statement of Licensing Policy

- 3.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.
- 3.2 This policy must be reviewed and published every 5 years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The new policy must then be published.
- 3.3 This Policy takes effect on 07 January 2019 and replaces the Policy previously in force.

4. Consultation

- 4.1 In producing this policy, the Licensing Authority carried out an extensive consultation program between 02 July 2018 and 12 August 2018.
- 4.2 The Act requires that the following parties are consulted by the Licensing Authority:-
- a) the chief officer of police for the licensing authority's area,
 - b) the fire authority for that area,
 - c) the director of public health for the licensing authority's area,
 - d) such persons as the Licensing Authority considers to be representative of holders of premises licences issued by that authority,
 - e) such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority,
 - f) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority, and
 - g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
- 4.3 In addition, the Licensing Authority chose to consult additional local groups and individuals namely:-
- Responsible Authorities under the Act;
 - Other elements of local government;
 - Organisations, including faith groups and voluntary organisations, and the Citizens Advice Bureau;
 - Groups which have an influence on the night time economy.

5 Approval of Policy

- 5.1 This policy was approved at a meeting of the Full Council on 06 December 2018 and was published via its website simultaneously. Copies are available on request.

6. Exchange of Information

- 6.1 The Licensing Authority is under a duty to protect the public funds it administers, and to this end may use, for the prevention and detection of fraud, the information

provided by applicants. It may also share this information for these purposes with other bodies responsible for auditing or administering public funds.

- 6.2 In accordance with the provisions of the Crime and Disorder Act 1998, the Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.
- 6.3 When undertaking any data sharing exercise, regard shall be had to the relevant provisions contained in data protection laws, including under the General Data Protection Regulations.

7. Public Register

- 7.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 10am and 4.00 pm. Regulations prescribe what information should be kept in the register.
- 7.2 The Licensing Authority publish details of applications on the Councils website www.basildon.gov.uk

8. Compliance and Enforcement

- 8.1 In exercising its functions with regard to the inspection of premises and to the institution of criminal proceedings for offences committed under the Act, or the calling of a licence review, the Licensing Authority will follow best practice. This requires that actions should be:-
- Proportionate - intervention will only take place when necessary. Remedies shall be appropriate to the risk posed and costs identified and minimised.
 - Accountability - the Licensing Authority shall ensure it is able to justify its decisions and be subject to public scrutiny.
 - Consistent - rules and standards shall be joined up and implemented fairly.
 - Transparent - enforcement shall be open and regulations kept simple and user friendly.
 - Targeted - enforcement shall be focused on the problems and minimise side effects.
- 8.2 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.
- 8.3 The main enforcement and compliance role of the Licensing Authority is to ensure compliance with the licences and permissions it authorises. Where appropriate we may conduct joint inspections of licensed premises, or premises which may need a licence, in conjunction with other enforcing authorities.
- 8.4 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

- 8.5 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.
- 8.6 The Licensing Authority's enforcement/compliance protocols are available on request, as are details of the risk-based approach to inspections.

9. Introduction to the Act

- 9.1 In exercising its functions under the Act, the Licensing Authority must have regard to and promote the 4 licensing objectives namely:-
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 9.2 Applicants are advised to consider providing evidence that suitable and sufficient control measures, as detailed in their operating schedule, will be implemented and maintained relevant to the nature and mode of operation of their premises and events.
- 9.3 The Licensing Authority has certain expectations in respect of applicants and the operating schedules they produce. It is for applicants to decide on the extent of measures to be set out in their operating schedules but when assessing applications the Licensing Authority must be satisfied that the measures proposed aim to achieve the licensing objectives, as far as is possible.
- 9.4 Duplication with other regulatory regimes should be avoided. In particular, applicants should have regard to the fact that the Local Authority's licensing function will be discharged separately from its functions as the local planning authority. Normally, applications for premises licences for permanent commercial premises should be from businesses with planning consent for the property concerned.
- 9.5 This policy covers a wide variety of premises and activities and for this reason it cannot detail all the factors which influence the achievement of the licensing objectives, nor can it detail all the control measures which may be appropriate.
- 9.6 Where valid representations are made the Licensing Authority will make objective judgments as to whether conditions need to be attached to a licence, certificate or permission in order to secure the achievement of the licensing objectives. Any such condition will focus primarily on the direct impact of the activities taking place on the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters within the direct control of individual licensees.

9.7 Licensing law is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, reasonable steps should be taken to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises; for example, on the pavement, or in a smoking area.

Other mechanisms may be utilised to tackle unruly or unlawful behaviour of patrons when beyond the vicinity of the premises. These include:-

- measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and departments of the local authority.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences late at night, street cleaning and litter patrols.
- powers to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- police enforcement of the general law concerning disorder and anti-social behaviour.
- the confiscation of alcohol from adults and children in designated areas.
- police powers to close down licensed premises for a specific period of time.
- the power of the police or interested parties to seek a review of the licence.
- other local initiatives which similarly address such problems.

9.8 The Licensing Authority recognises the cultural, social and business importance that premises and events requiring a licence can provide and the diversity of activities which are provided by licence holders. Proper account will be taken of the need to encourage a broad range of entertainments.

9.9 The Licensing Committee will receive reports, where appropriate, on the needs of the local tourist economy and the cultural strategy for the area so as to ensure these are reflected in its considerations.

9.10 The Licensing Committee will be kept apprised of the employment situation in the area and the need for new investment and employment where appropriate.

9.11 The Licensing Authority is under a legal obligation to have due regard (section 149, Equality Act 2010) to the need to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity and to foster good relations between persons with different protected characteristics.

Those protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation

9.12 The impact of this policy on the requirements of the Equality Act 2010 will be monitored through the Council's Inclusion and Diversity Policy.

9.13 When considering applications the Licensing Authority will have regard to the Act and the licensing objectives, this policy, statutory guidance, and all supporting regulations.

10. Prevention of Crime and Disorder

10.1 The Licensing Authority is committed to further improving the quality of life for residents and visitors to the borough by continuing to reduce crime and then fear of crime.

10.2 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 in its area.

10.3 When addressing the issue of crime and disorder the applicant is advised to demonstrate, in the operating schedule, that those factors which impact on crime and disorder have been considered. These may include:-

- Underage drinking
- Drunkenness on premises and elsewhere
- Drugs misuse
- Violent behaviour
- Anti-social behaviour

10.4 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities, and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of the premises and associated open areas.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder.
- The keeping of appropriate written training records.
- Adoption of best practice guidance.
- Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority.
- Provision of effective CCTV in and around the premises.
- Engagement of door staff. Where door staff are present they must be Security Industry Authority licensed.
- Provision of drinking vessels made from appropriate toughened material.
- The assessment of the use of polycarbonate drinking vessels over toughened ones on certain occasions.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

11. Public Safety

11.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.

11.2 Factors which may have an impact on public safety may include:

- the number of people frequenting the premises;
- the condition, lay-out and design of the premises;
- the nature of the activities to be provided;
- customer profile;
- the use of special effects such as lasers, pyrotechnics, foam machines and so on.

11.3 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the safety of all those present.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of all those present.
- The keeping of appropriate written training records.
- Adoption of best practice guidance.
- Provision of effective CCTV in an around the premises.
- Provision of drinking vessels made from appropriate toughened material.
- The assessment of the use of polycarbonate drinking vessels over toughened ones on certain occasions.
- Implementation of crowd management measures.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- The condition, design and layout of the premises, including the means of escape in an emergency.

11.4 The Licensing Objective for public safety overlaps with Fire Safety requirements, which are enforced by the Essex County Fire and Rescue Service, under the Regulatory Reform (Fire Safety) Order 2005, in premises where licensable activities take place in the Borough of Basildon. In the majority of cases, therefore, fire safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through more specific statutory provisions. However, when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

12. Prevention of Public Nuisance

12.1 Licensed premises have a significant potential to impact adversely on communities through public nuisance which can arise through their operation. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from the potential consequence of the operation of licensed premises.

12.2 The Licensing Authority interprets 'public nuisance' in its widest sense, and takes it to include such issues as noise and disturbance, light, odour, litter and anti-social behaviour.

12.3 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to prevent public nuisance.

12.4 Factors which may have an impact on public nuisance may include:-

- the location of the premises (including open areas associated with them) and proximity to residential and other noise sensitive premises.
- the customer profile.
- the hours of operation, particularly between 23.00 and 07.00 hours.
- the nature of activities provided.
- the design and layout of the premises and in particular the use of noise limiting features.
- the number of people frequenting the premises.
- the availability of public transport and the availability and location of car parks utilised by patrons.
- any 'wind down period' between the end of the licensable activities and closure of the premises.
- the time of last admission.
- the use of special effects such as lasers, pyrotechnics, and so on.

12.5 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.

- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.
- Appropriate instructions, training and supervision of staff.
- The keeping of appropriate written training records.
- Control of operating hours for all, or parts of, the premises, including such matters as deliveries and the operation of machinery.
- Adoption of best practice guidance.
- Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and (where appropriate) sound limitation devices.
- Signage displayed at premises requesting that patrons leave quietly
- Management of people (including staff) and traffic (and resulting queues) arriving at and leaving the premises.
- Liaison with transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for the collection and disposal of litter.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

13. Protection of Children from Harm

- 13.1 Family friendly premises are to be encouraged but the risk of harm to children remains a paramount consideration when applications are determined.
- 13.2 The protection of children from harm includes their protection from moral, psychological and physical harm.
- 13.3 In relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and violence. The Licensing Authority will expect licensees to implement measures which restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.
- 13.4 In certain circumstances, children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influence, inappropriate example, the unpredictability of their actions due to their age, and the lack of understanding of danger.
- 13.5 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to safeguard children from harm.
- 13.6 Factors which may have an impact on the safety of children and give particular cause for concern may include:
- where entertainment or services of an adult or sexual nature are commonly provided.
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises with a reputation for underage drinking.
 - Proxy sales of alcohol to minors (i.e. adults purchasing for persons who are underage).
 - The premises have a known association with illegal drug taking or dealing.
- 13.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.
- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas;
 - Appropriate instruction, training and supervision of staff;
 - The keeping of appropriate written training records;
 - Adoption of best practice guidance;
 - Complete exclusion of children, limitations on the hours when children may be present, restrictions from being in certain parts of the premises, or exclusion from certain activities;
 - Imposition of requirements for children to be accompanied by an adult;
 - Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority;
 - Measures to ensure children do not purchase, acquire or consume alcohol;

- Proper arrangement to be made to enable the personal licence holder to monitor the activity they have authorised.

13.8 Conditions which require the admittance of children to any premises cannot be attached to licences or certificates.

14. Advice and Guidance

14.1 Pre-application discussions with the responsible authorities are encouraged to assist applicants in developing their proposals and operating schedules. Officers of the Licensing Authority will endeavour to provide guidance at that stage of the process. Where an officer is representing the Licensing Authority in its role as a Responsible Authority, wherever possible another officer will be designated to process the application and provide applicant guidance.

14.2 Where appropriate to do so, officers of the Licensing Authority will assist applicants to work with others who may make representations with a view to resolve areas of concern. Once an application has been lodged there are statutory timescales imposed on the application and determination process which restrict the opportunity for such discussions, liaison and mediation.

14.3 Contact details are set out Appendix 5.

14.4 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 the scheme of delegation. If there are relevant representations the application will be considered by the Licensing Sub-Committee at a hearing which will, in most circumstances, be at a meeting held in public.

14.5 Mandatory Conditions are imposed by the Act whether or not the application is opposed.

14.6 In determining applications for garages, (i.e. forecourt shops) the Licensing Authority must decide whether or not premises are primarily used as a garage and will expect applicants to submit data which establishes the primary use. Where such information is not available (because for example the premises have only just started trading), we may consider imposing a condition requiring this information to be provided to the Licensing Authority on a regular basis for the following years to ensure the premises are not primarily a garage.

15. Representations

15.1 These may be made by either of the following:

1. Responsible Authorities – A full list of the Responsible Authorities are given in Appendix 5.
2. Any other person - Regardless of their geographical location, providing that the representation is not vexatious and frivolous in the opinion of the Licensing Authority.

- 15.2 Any representations must relate to the named premises and are restricted to the 4 licensing objectives. The Licensing Authority will need to be satisfied there is an evidential link between the representations made, the licensing objectives and the premises in question. Where a representation simply relists the licensing objections without stating why it is considered the grant of the application will undermine or fail to promote them, it may be rejected as invalid.
- 15.3 The Licensing Act 2003 (hearings) Regulations 2005 require the Licensing Authority to provide the applicant with copies of any relevant representations made. Any person making a representation to an application should bear in mind that their personal data (such as name and address) will be disclosed to the applicant. The Licensing Authority will not edit your letter of representation before it sends it out, with the exception of telephone numbers, e-mail addresses and signatures.

All letters of representation will be contained in the agenda should the matter proceed to a sub-committee hearing. Such hearings are open to the public and may include the presence of members of the media. Furthermore, personal data may be published in the minutes which are distributed to all parties to the proceedings and available on the Council's website subject to the exemptions set out in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

16. Licensing Committee

- 16.1 The Committee is composed of 10 Councillors. A contested application will be heard by a sub-committee comprising 3 members of the Licensing Committee or a quorum as required by the Council's constitution.
- 16.2 When considering applications the sub-committee will have regard to this Policy, statutory guidance, the Act and attached regulations and the licensing objectives.
- 16.3 Each application is considered on its individual merits.
- 16.4 Should the sub-committee decide to approve the application the mandatory licence conditions must be applied. In addition, the sub-committee will determine whether it is appropriate to attach other conditions to a licence, certificate or permission to secure achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.
- 16.5 In determining whether a person lives or has business interests sufficiently close to the premises so as to be likely to be affected by the proposed activities, the Licensing Authority will consider factors such as:
- The size of the premises;
 - The nature of the premises;
 - The distance of the premises from the location of the residence or business of the person making the representations;
 - The potential impact of the premises (e.g. the number of customers and routes likely to be taken by its customers).

- 16.6 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.
- 16.7 The Licensing Authority will avoid attaching conditions which duplicate other regulatory regimes wherever possible.
- 16.8 A list of which matters will be dealt with at committee and those which are delegated to licensing officers can be found at appendix 8

17. Appeals

- 17.1 An appeal may be made to the Magistrates' Court against a decision of the Licensing Authority. The appeal must be made within 21 days of being notified of the decision to be appealed against.
- 17.2 The following may appeal:-
- The applicant;
 - A Responsible Authority or any person who made relevant representations;
 - In the case of a review, the holder of the licence or certificate being reviewed.

18. Reviews

- 18.1 A responsible authority or any person may ask the Licensing Authority to review a premises licence because of a matter arising at the premises in connection with any of the 4 licensing objectives.
- 18.2 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals and groups are entitled to do so in their own right where there are sufficient grounds.
- 18.3 Where 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 the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given.

19. Suspension of Licences

- 19.1 The Licensing Authority is under a duty to suspend Premises Licences and Club Premises Certificates where the Licensee has failed to pay the annual fee within a prescribed period. Licences which are suspended shall cease to have effect during the suspension period. Furthermore a licence cannot be transferred during said period.

20. Council Promises

Use the table below to provide a visual display of how this Policy will impact on the delivery of the three corporate promises. You may wish to expand on each point, as required.

Corporate Promises	Levels of Impact			
	High	Medium	Low	None
1.Strong, safe and healthy communities with access to quality homes				<u>X</u>
2.Vibrant town centres and a thriving economy for everyone	<u>X</u>			
3. enhanced local environment and increased pride in our Borough	<u>X</u>			

21. Outcomes and Priorities

This policy seeks to achieve the following Outcomes and Priorities:-

Outcomes – a balanced and transparent approach to the licensing of entertainment establishments which is understood by all relevant stakeholders.

Priorities – ensuring that stake holders have a clear understanding of how to make an application and how licensing decisions are taken by Basildon Council.

22. Links to other Corporate Policies or Partner documents

key corporate documents:

- The Community Strategy
- Basildon Borough Council Corporate Plan
- Equality and Diversity Policy
- Basildon Local Plan
- Regulatory Services Enforcement Policy
- Basildon Borough Council Safeguarding Policy
- Community Safety Partnership “Reducing Crime and Anti-Social Behavior in the Basildon Borough”

23. Appendices

Supplementary information contained in the appendices is available to support this policy statement. It is intended that this will provide local information which may be helpful to applicants. It should not be interpreted as legal advice or as constituent of Basildon Borough Council’s Statement of Licensing Policy.

The Borough of Basildon Fact File

- Basildon Borough lies in the southern part of Essex thirty miles east of London. Covering some 42.5 square miles and has a population of 174,500. The Borough includes the towns of Basildon, Billericay and Wickford. Some seventy per cent of the borough is rural with large areas of open farmland and scattered rural developments.
- With excellent road and rail links to London, the rest of the County and South East England, Basildon has much to offer. Only seven miles of major roads separate Basildon from the M25, the Channel ports and tunnel are within easy reach.
- Stansted and Southend Airports are within 45 minutes' drive and Gatwick Airport is just over an hour away. Basildon is one of the most successful English towns with a flourishing business community and a vibrant regional shopping centre.
- More than two hundred major stores and shops attract customers from a catchment population in excess of one million within half an hour's drive. In contrast, Billericay is a combination of historic and modern. It retains some of its old world charm yet has a thriving industrial estate and modern shopping facilities and services.
- Wickford has undergone major investment with several new industrial estates being created and new houses built.
- Through Thames Gateway the Borough is the commercial and business centre of South Essex and accounts for nearly a quarter of the manufacturing output of Essex.
- With substantial industrial, office, and retail floor space, the Borough is a major centre for business and employment. While some thirty per cent of the Borough's workforce commutes into London every day, just as many people enter the Borough to work every day as leave it.
- The Borough has been recognised as the business hub within the Thames Gateway South Essex initiative.
- The Borough has a varied nightlife consisting of restaurants, public houses, clubs and hotels.
- **Basildon**
 - The Town Centre is served by public houses and licensed restaurants. There is licensed snooker centre. Most pubs provide food and there are a number of licensed restaurants open at night. There is a 722 seat theatre that is providing a regular varied programme of activities. In addition, an ambitious regeneration programme is seeking to bring additional activities into the town centre to improve the offer under the night time economy.
 - Throughout the residential areas of Basildon, there are a variety of pubs and clubs, many now providing musical entertainment on a regular basis. There are Designated Public Places Orders in 2 areas of Basildon. They are Basildon Town Centre and the surrounding area and around Felmores Shopping Centre.

- There are no hotels in the Basildon Town Centre but there are 3 other hotels in Basildon, in addition to those on the Festival Leisure Park.

➤ **Festival Leisure Park**

- The main provision of entertainment facilities in Basildon can now be found at the Festival Leisure Park, just north of the Town Centre. This includes licensed restaurants, pubs, nightclubs, a multiplex cinema, hotels, two fitness centres, (*only one of which is licensed*) and a licensed twenty-six lane bowling alley. Between eighty and ninety thousand visitors enjoy a safe visit to the site each week. There are still opportunities for leisure development on this privately owned site.

➤ **Billericay**

- Most premises licensed for the sale of alcohol in Billericay are based on or near the High Street. Many have gardens and there has been some recent development of a pavement culture. There are no purpose built cinemas or theatres in Billericay but The Fold, Laindon Road is occupied by the Billericay Arts Association and is licensed for regulated entertainment which includes plays. There is a Designated Public Place Order based on the High Street.
- There are numerous other pubs and clubs dispersed around the remainder of Billericay.

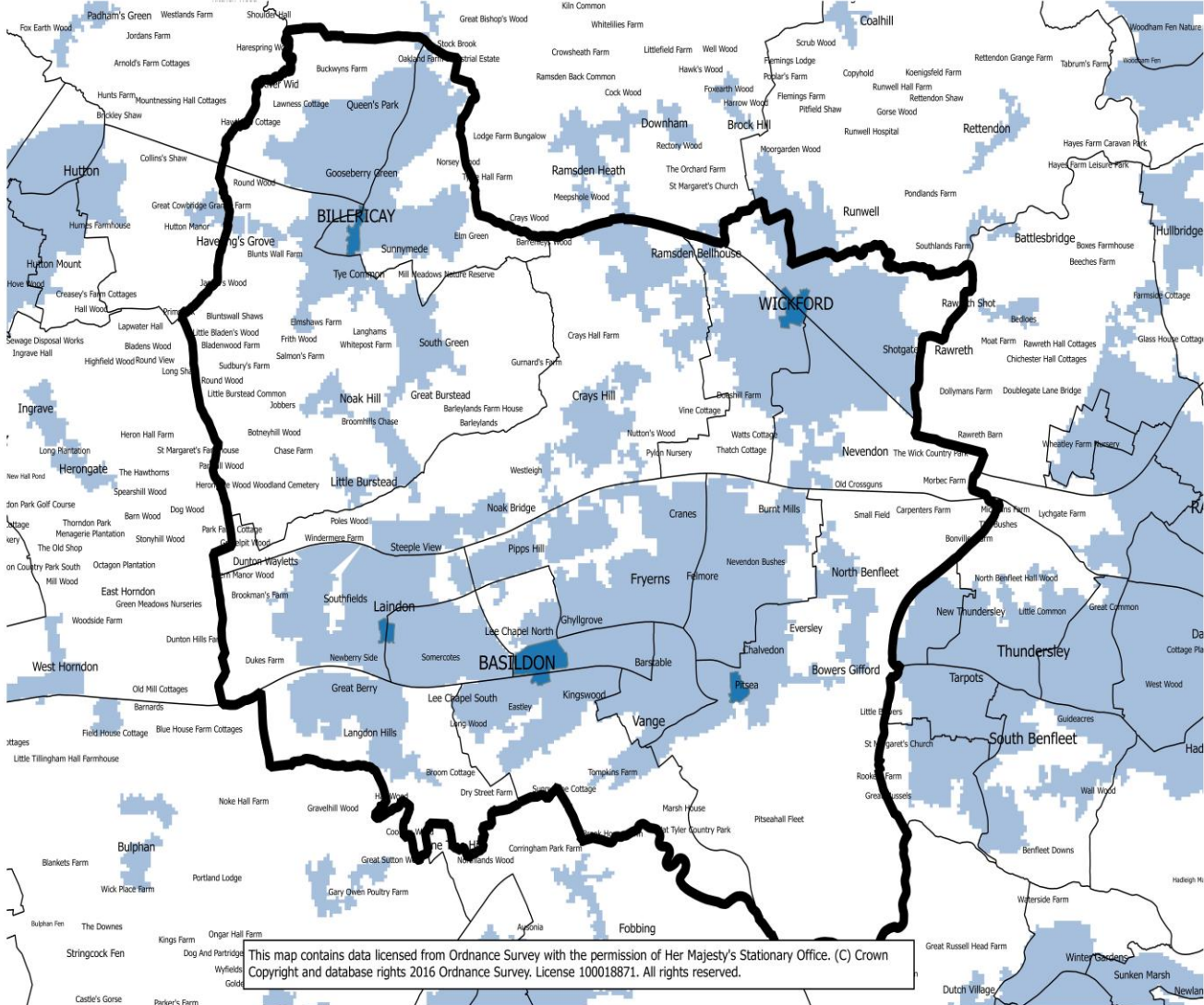
➤ **Wickford**

- There are several public houses in this area. There are also several licensed restaurants, late night refreshment houses and members clubs spread throughout the area.

General

- In general, the whole of the Basildon Borough Council area is well provided with community halls and centres, some of which are licensed.
- Currently 355 premises licences and 20 club premises certificates are in existence in the Borough.
- Please note that the figures quoted were correct at the time of publishing this document. As necessary, please refer to the latest information on the Council's website (www.basildon.gov.uk) or make special enquiry to the Council

MAP OF THE BOROUGH OF BASILDON



Connections between the Licensing Policy and other Council Policies

Applicants attention is drawn to the following policies, strategies and partnerships that will be of help in drafting their applications for licences. The Council's Statement of Licensing Policy (22) states that the Licensing Authority has had regard to other local policies and strategies in developing its licensing policy and that the impact of all these policies, as they affect the licensing objectives, will be kept under review.

1. Basildon District Local Plan Saved Policies 2007

A copy of the Basildon District Local Plan (adopted March 1998; alterations adopted 1999, saved by virtue of a Direction from the Secretary of State in September 2007) can be found on the Council's web site: www.basildon.gov.uk. The Local Plan describes the Council's approach to new development, as well as that for existing residential, employment, retail and town centre areas. The Council expects that all applications for premises licences and club registration certificates will be in accordance with the Local Plan. Where there is not a relevant Local Plan policy, all applications must comply with the National Planning Policy Framework (NPPF).

The generation of a safe and vibrant night-time economy throughout the Borough is recognised as being important for its economic and social wellbeing. Indeed, there are opportunities for further leisure development in the Borough, particularly in its town centres.

The Council welcomes planning applications from new businesses involving licensable activities. Issues such as crime and disorder, transport, and public safety must be considered early in the planning process, and solutions integrated into the proposed development.

Applications for licensed premises in the Billericay Conservation Area will, as will all applications, be considered on their own merit. The Council reviewed all of its Conservation Areas in 2011 and has approved Conservation Area Appraisals and Management Plans as Interim Supplementary Planning Documents, which accompany the Local Plan. Therefore, the Council will expect applicants to demonstrate that their proposals complement the unique and special character of Billericay town centre.

2. Leisure Strategy for Basildon Borough

The Council is currently reviewing its leisure strategy to replace the former cultural strategy adopted in July 2006. Information on the previous strategy and the outline of the new strategy can be obtained from Leisure Services on 01268 533333.

This Licensing Policy Statement has regard to the Council's previous Cultural Strategy and the International Covenant on Economic, Social and Cultural Rights and acknowledges the importance of a diverse provision of cultural and leisure activities for the benefit of the community. The new leisure strategy will also look to encourage diverse provision of cultural and leisure activities.

The provision of regulated entertainment in the borough will be monitored by the Council to ensure that the principles of both the Licensing and Cultural and Leisure Policies are maintained.

The Leisure and Cultural Policy, as with the previous Cultural Policy, will recognise that all regulated entertainment and leisure time experiences, should be accessible to all - now and in the future. Through the management of its Parks and Leisure Services, both indoor and outdoor sporting opportunities are recognised as being important for the well-being of the community and that well planned and developed club sports facilities, play an important part in encouraging both the playing and watching of sports.

The Council's Manager of Leisure Services is prepared to give advice and guidance on cultural and leisure matters.

3. Anti-Social Behaviour Policy

Basildon Borough Council has produced an Anti-Social Behaviour (ASB) Policy as required by the Anti-Social Behaviour Act 2003. The ASB Policy is currently being reviewed to reflect the recent changes in legislation. A copy of this policy can be found on the Council's website - www.basildon.gov.uk

4. Inclusion & Diversity Policy

A copy of this policy is available on the Council's web site www.basildon.gov.uk or by telephoning 01268 533333.

The Policy recognises that the diversity of the local community enriches the Borough and contributes to its social and economic prosperity. All members of the community have a right to equality of opportunity, fair treatment and equal access to services. Equal opportunities help to foster good relations and promote social harmony within the community. These principles apply to the leisure opportunities available throughout the Borough. Through the promotion of equality the diversity of customers as individuals is recognised.

It is important that account is taken of the Equality Act 2010, which requires the:

- elimination of discrimination on grounds of race, sex, gender reassignment, pregnancy & maternity, sexual orientation, religion/belief, age, marriage and civil partnership and disability.
- need to promote equality of opportunity on grounds of race, sex gender reassignment, pregnancy and maternity, sexual orientation, religion/belief, age, marriage and civil partnership and disability;
- need to foster good relations between different people in the community

The Equality Act 2010 also requires the removal of physical barriers that hinder the access for disabled persons to licensed premises. Advice on compliance with the access requirements of the Act can be obtained from the Council's Building Control Officers, by telephoning 01268 533333.

5. Crime and Disorder Reduction Strategy

The Crime and Disorder Act 1998 placed a joint responsibility upon specific agencies to work together, and with other agencies, to develop and implement strategies to protect their communities from crime and help people feel safe. Basildon's Community Safety Partnership (CSP) is jointly led by Basildon Borough Council and Essex Police, along with representatives from South West Essex NHS Trust, Essex Fire & Rescue Service, Essex Probation, Essex County Council.

"Reducing Crime and Anti-Social Behaviour in the Basildon Borough 2015-2018" outlines how Safer Basildon Partnership (SBP) will work together to deliver the priorities identified within it, in an effort to improve the lives of the local community, make Basildon a safer place and reduce the fear of crime.

This strategy is considered and endorsed in accordance with the Council's Constitution and approved at Council as part of the local authority's policy framework.

The Safer Basildon Partnership has identified four key strategic priorities to focus its effort. The overarching priority to "Reduce Crime and Anti-Social Behaviour" directly links to the Licensing Policy, focussing on the Night Time Economy. It is essential to get the balance right between the opportunities the Licensing Act creates for businesses and the rights of residents to a safe and peaceful home.

Further information and a copy of the Safer Basildon Partnership Strategy can be found on the Council's web site www.basildon.gov.uk/communitysafety or by telephoning 01268 533333

6. Safeguarding and promoting the welfare of children and young people policy

Safeguarding and promoting the welfare of children and young people policy explains the council's legal duties under the Children Act 1989 to safeguard from harm and promote the welfare of children and young people. The policy is compliant with the Southend, Essex, and Thurrock (SET) Child Protection procedures and the national "Working together to Safeguard Children" guidance.

The policy can be found on the Council's website at www.basildon.gov.uk, under Community and Living.

7. Safeguarding Vulnerable Adults policy

The Safeguarding Vulnerable Adults policy sets out the council's commitment to protect vulnerable adults within the borough from abuse. It outlines the roles of staff, members and contractors and is compliant with the SET Safeguarding Vulnerable Adults guidelines.

The policy can be found on the Council's website at www.basildon.gov.uk, under Community and Living.

References to Guides and Best Practice

- Guidance Issued under Section 182 of the Licensing Act 2003 www.direct.gov.uk
www.legislation.gov.uk
- The Alcohol Strategy www.direct.gov.uk
- Regulator's Compliance Code www.gov.uk
- Environmental Health Enforcement Policy www.basildon.gov.uk
- Essex Licensing Enforcement Protocol www.basildon.gov.uk
- Safer Clubbing www.hntinfo.eu
- The National Alcohol Harm Reduction Strategy Toolkit www.ias.org.uk
- The Point of Sale Promotions www.beerandpub.com
- Security in Design www.beerandpub.com
- Drugs and Pubs www.beerandpub.com
- Fire Safety Risk Assessment Guides:
Guide 6 – Small and Medium Places of Assembly www.gov.uk
Guide 7 – Large Places of Assembly
Guide 9 – Open Air Events and Venues
- The Event Safety Guide www.hse.gov.uk
- Good Practice Guide on the Control of Noise from Pubs and Clubs www.ioa.org.uk
- Licensed Property: Noise www.beerandpub.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
- British Institute of Innkeepers www.bii.org
Best Practice Training Qualification
Door Supervisors
Personal Licence Holders
Other Bar Staff

Contact Details for the Licensing Authority and Responsible Authorities

All correspondence for the Licensing Authority should be addressed to:

The Licensing Team
Basildon Borough Council
St. Martins Square
Basildon, Essex
SS14 1DL

Telephone: 01268 206925
Email: licensing@basildon.gov.uk

The Responsible Authorities are:

a) The Chief Officer of Police:-

Essex Police
Licensing Department (Alcohol & Gambling)
Blythes Meadow
Braintree
Essex CM7 3DJ
Telephone: 01245 452035
Email: licensing.applications@essex.pnn.police.uk
Website: www.essex.police.uk/licensing

b) The Fire Authority:-

Essex County Fire and Rescue Service
Technical Fire Safety Department
South West Group Service Delivery Point
C/O Fire Station
Broadmayne
Basildon
Essex SS14 1EH
Telephone: 01376 576500
Email: southwestgroupsdp@essex-fire.gov.uk
Website www.essex-fire.gov.uk (Selecting Business Safety)

c) The Local Planning Authority:-

The Manager of Planning Services
The Basildon Centre
St Martin's Square
Basildon
Essex SS14 1DL
Telephone: 01268 533333
Email: planning@basildon.gov.uk
Website: www.basildon.gov.uk

d) The Local authority with functions related to prevention of risk of pollution of the environment:-

Manager of Environmental Health (Pollution Control)
The Basildon Centre
St Martin's Square
Basildon
Essex SS14 1DL
Telephone: 01268 533333
Email: ehs@basildon.gov.uk
Website: www.basildon.gov.uk

e) The Health and Safety Enforcing Authority

Either (in respect of premises subject to Local Authority Enforcement)

Manager of Environmental Health (Health & Safety)
The Basildon Centre
St. Martins Square
Basildon
Essex SS14 1DL
Telephone: 01268 533333
Email: ehs@basildon.gov.uk
Website: www.basildon.gov.uk

Or (in respect of premises subject to enforcement by the Health and Safety Executive)

The Health and Safety Executive
Wren House
Hedgerows Business Park
Colchester Road
Chelmsford
Essex CM2 5PF
Telephone: 01245 706200
Website: www.hse.gov.uk

f) The body recognised by the Licensing Authority as being responsible for matters in relation to the protection of children from harm, and as being competent to advise on such matters:-

Essex County Council
Children's Safeguarding Service
70 Duke Street
Chelmsford
Essex CM1 1JP
Telephone: 03330 134076
Email: licenceapplications@essexcc.gov.uk
Website: www.esccb.co.uk/working-with-children/licensing-guidelines/

g) The Weights and Measures Authority

Essex Trading Standards
CG32
County Hall
Market Road
Chelmsford
Essex CM1 1QH

h) The Public Health Authority

Licensing Officer
Public Health
E2 County Hall
Chelmsford
Essex
CM1 1LX
Telephone: 01245 431855
Email: public.healthteam@nhs.net

i) The Licensing Authority

The Licensing Authority
Basildon Borough Council
St. Martins Square
Basildon
Essex SS14 1DL
Telephone: 01268 206925
Email: licensing@basildon.gov.uk

Applicants are not expected to submit a duplicate copy of their application for the consideration of the Licensing Authority in its role as a responsible authority (unless the plan is bigger than A3). The copy submitted for administration of the application will be forwarded electronically).

Any further enquiries or assistance can be obtained from the Licensing Authority on the telephone number given above. These addresses were correct at the time of going to press but are subject to change without notice. Any change made will not form part of a review of the Council's Statement of Licensing Policy.

Contact Details and Useful Addresses

1. Arts Council England
14 Great Peter Street
London
SW1P 3NQ
Tel: 0845 300 6200
Email: enquiries@artscouncil.org.uk
Web: www.artscouncil.org.uk

2. UK Hospitality
6th Floor
10 Bloomsbury Way
London WC1 2SL
Tel: 020 74047744
Email: info@ukhospitality.org.uk
Web: www.ukhospitality.org.uk/

3. British Beer & Pub Association
Ground Floor
Brewers' Hall
Aldermanbury Square
London, EC2V 7HR
Tel: 020 7627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com

4. British Board of Film Classification
3 Soho Square
London
W1D 3HD
Tel: 020 7440 1570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk

5. British Institute of Innkeeping
Infor House
1 Lakeside Road
Farnborough
GU14 6XP
Tel: 01276 684449
Email: reception@bii.org
Web: www.bii.org

6. Equality & Human Rights Commission
Fleetback House
2-6 Salisbury Square
London
EC4Y 8JX
Tel: 020 7832 7800
Email:
Web: www.equalityhumanrights.com

7. Essex Chamber of Commerce
PMS International House
Cricketers Way
Basildon, Essex
SS13 1ST
Tel: 01268 209050
Email:
Web: www.essexchambers.co.uk
9. Safety Basildon Partnership
Basildon Borough Council
The Basildon Centre
St. Martin's Square
Basildon
Essex
Tel: 01268 206906
Email: CSTRegulation@basildon.gov.uk
Web: www.basildon.gov.uk
10. Inclusion & Diversity
Basildon Borough Council
Basildon Centre
St. Martins Square
Basildon, Essex
SS14 1DL
Tel: 01268 207975
Email: IDDiversity@basildon.gov.uk
Web: www.basildon.gov.uk
11. Essex County Council
Trading Standards
CG32 County Hall
Market Road
Chelmsford
Essex CM1 1QH
Tel: 01245 341986/7
Email: trading_standards@essex.gov.uk
Web: www.tradingstandards.gov.uk
12. Equity
Guild House
Upper St. Martins Lane
London
WC2H 9EG
Tel: 020 7379 6000
Email: info@equity.org.uk
Web: www.equity.org.uk
13. Institute of Acoustics
Silbury Court
406 Silbury Boulevard
Milton Keynes
MK9 2AF
Tel: 0300 999 9675
Email: ioa@ioa.org.uk
Web: www.ioa.org.uk
14. Musicians Union
MU East & South East England
1A Fentiman Road
London
SW8 1LD
Tel: 020 7840 5537
Email:
Web: www.musiciansunion.org.uk

15. Security Industry Authority
PO Box 8
Newcastle upon Tyne
NE82 6YX

Tel: 08702 430100

Email:

Web: www.sia.homeoffice.gov.uk

16. The Portman Group
4th Floor
20 Conduit Street
London
W1S 2XW

Tel: 020 7290 1460

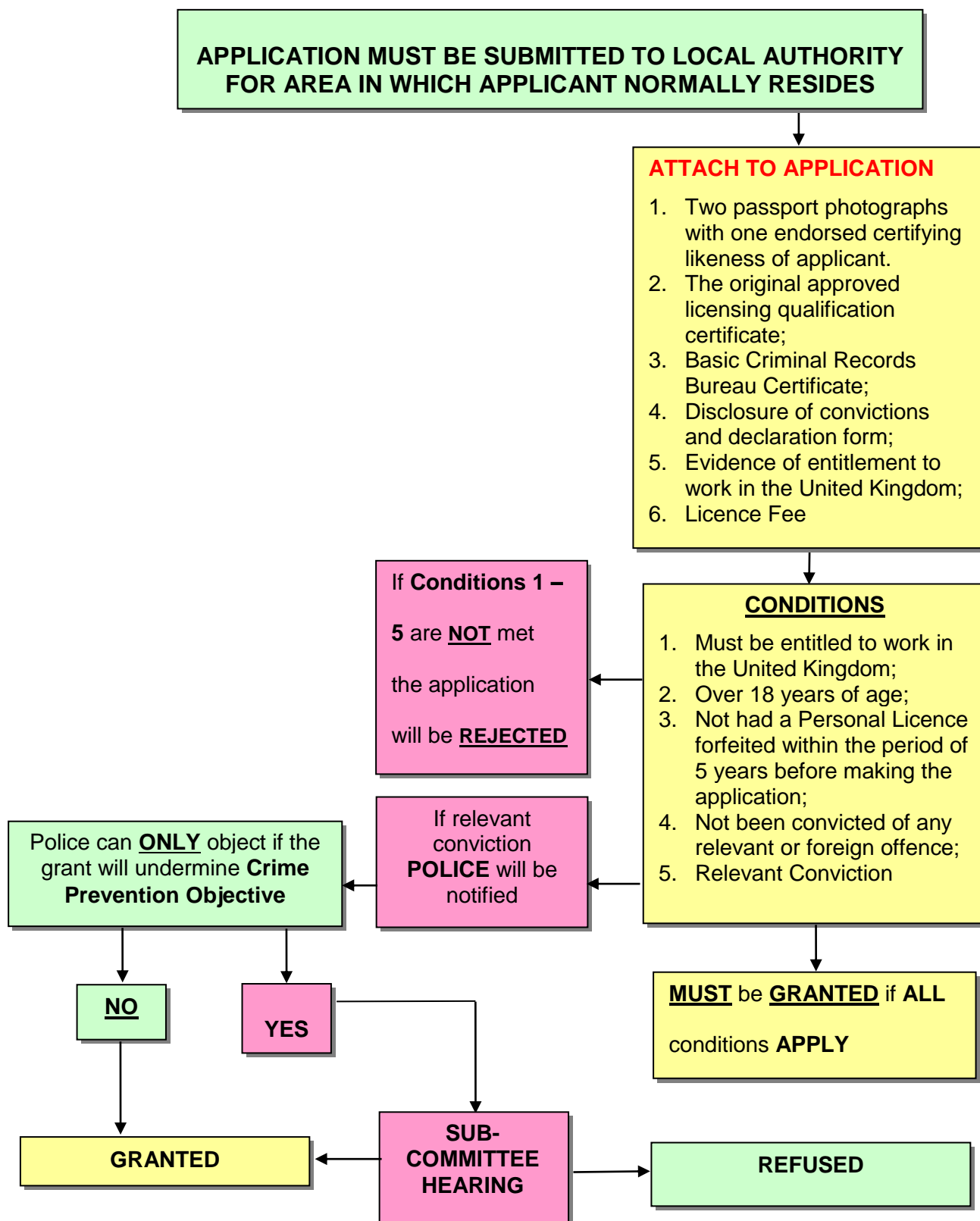
Email: info@portmangroup.co.uk

Web: www.portmangroup.org

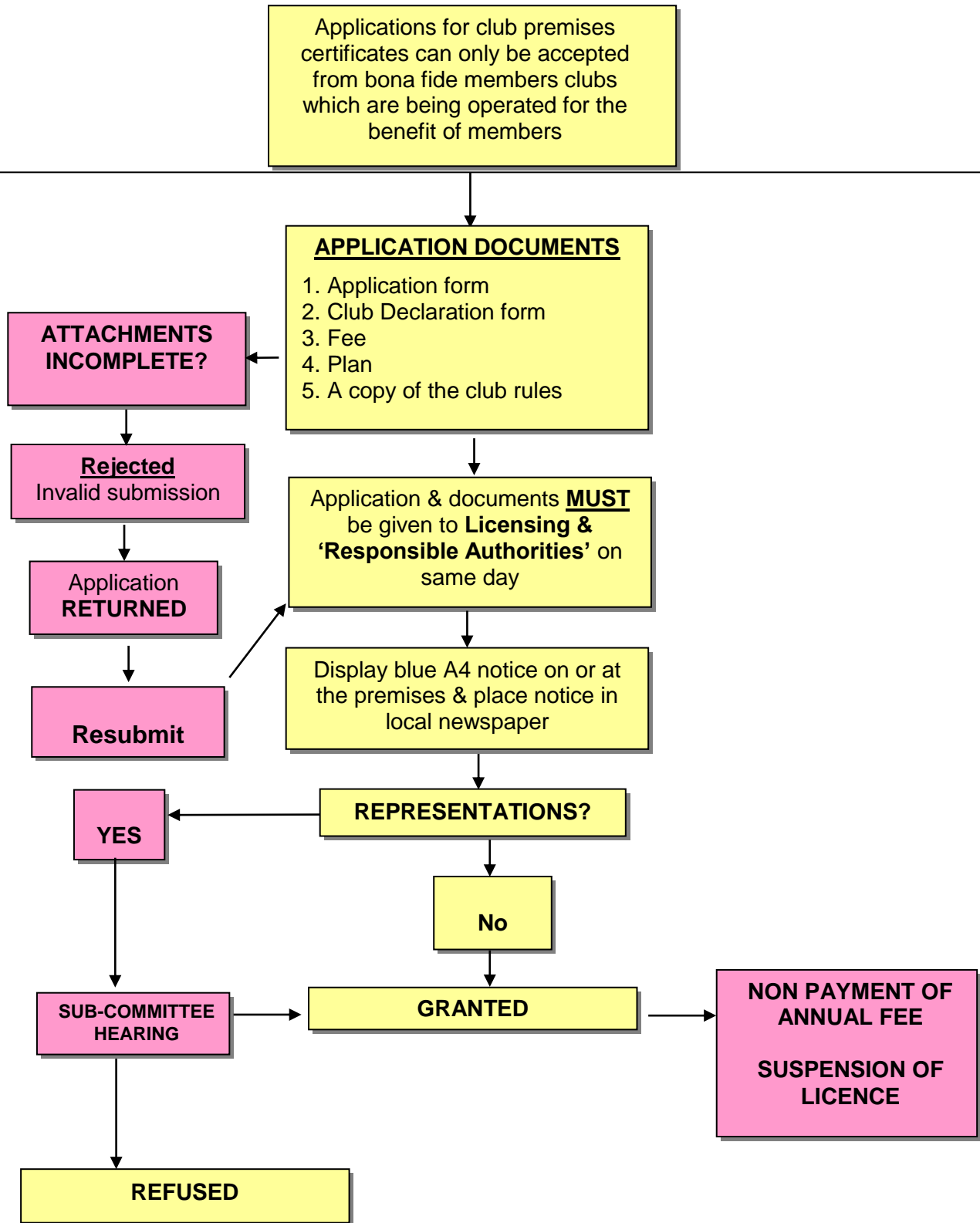
APPLICATION PROCESS

Applications for all licences should be made to the Licensing Authority. The following flow charts set out the application processes for each licence type.

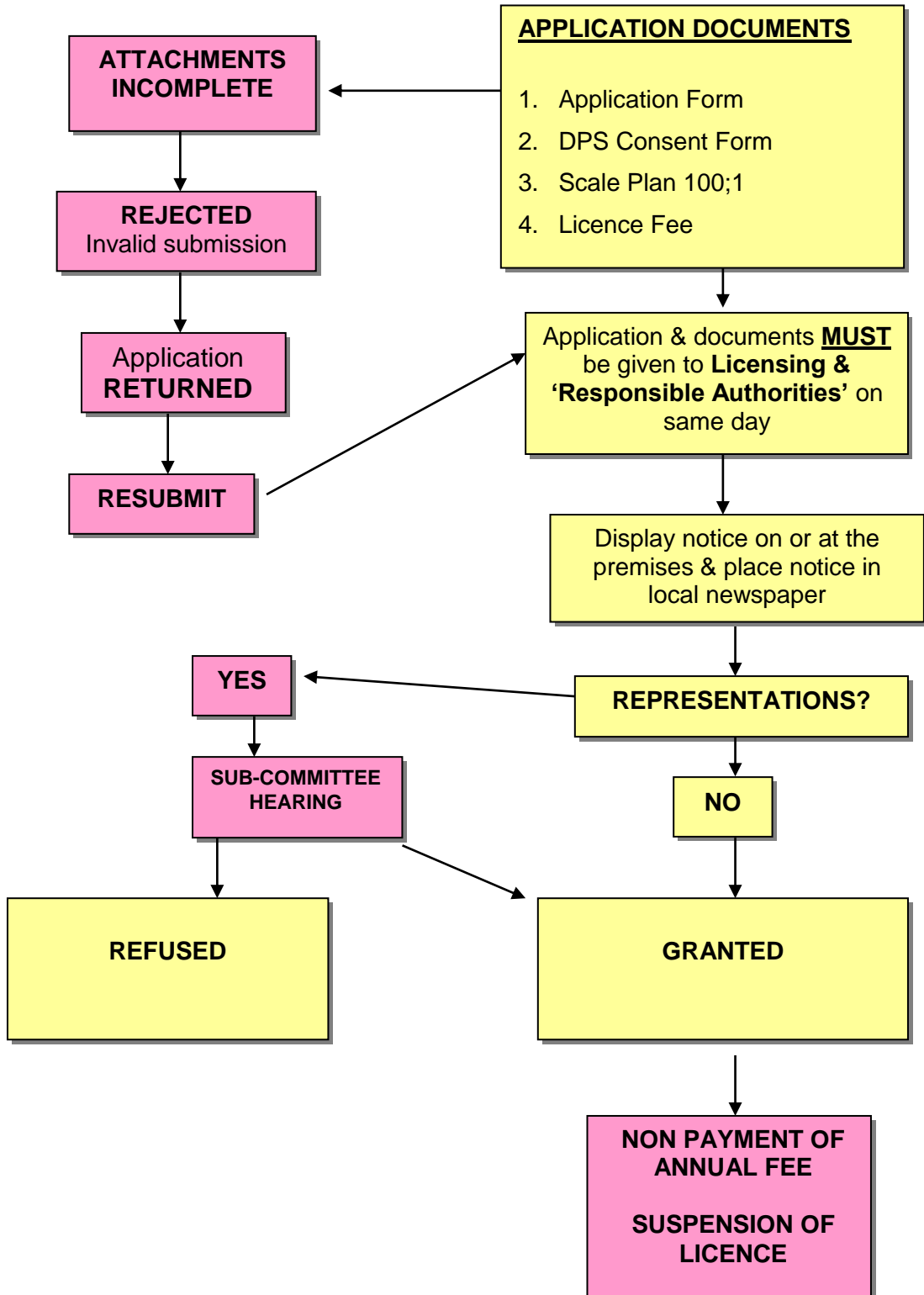
PERSONAL LICENCE



CLUB PREMISES CERTIFICATE

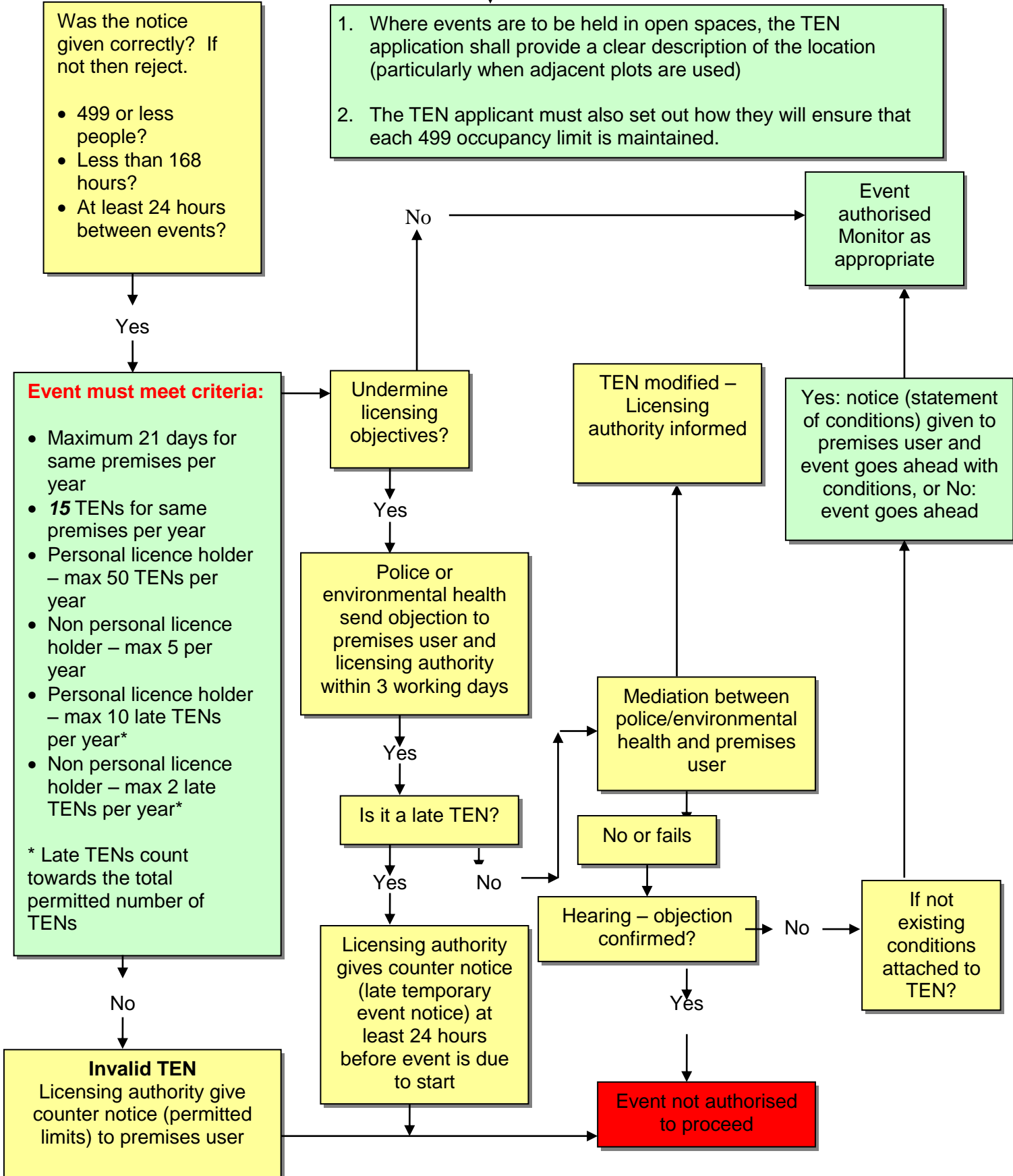


PREMISES LICENCE



STANDARD AND LATE TEMPORARY EVENT NOTICE

TEN + fee to licensing authority, copy to police and environmental health at least 10 working days, or for a late TEN at least 5 working days, before the event.



DELEGATION OF POWERS

Delegation of Powers

- Full details of the Council's Constitution can be found on the Council web site www.basildon.gov.uk and the terms and references and the delegation of functions of the Licensing Committee are described in full.
- In respect of responsibilities under the Licensing Act 2003, the Council has delegated all aspects of licensing under the Act, other than the approval and publishing of a Licensing Policy Statement that will be approved by a full Council.
- The Council has establish one or more sub-committees, each consisting of three members of the Licensing Committee and chaired by either the Chairman or Vice Chairman of the Licensing Committee to deal with matters relating to licence for activities in accordance with any regulations made under the Licensing Act 2003.

Delegation of Function

- All matters are delegated to the Assistant Director for Public Spaces, except in circumstances where the matter does not meet the policy criteria set by the Council

Monday to Friday
10am to 5pm



Basildon Council
BASILDON • BILLERICAY • WICKFORD

For translations, Large Print and Braille please call

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Kwa tafsiri, tafadhali piga simu (Kiswahili)

ਅਨੁਵਾਦ ਵਾਸਤੇ ਵਿਰਧਾ ਕਰਕੇ ਕਾਲ ਕਰੋ (Punjabi)

Kana muchida kuturikirwa, tapota ridzai runhare kuna (Shona)

Pre preklad prosim volajte (Slovak)

Nếu quý vị cần dịch tài liệu, xin vui lòng gọi theo số (Vietnamese)

01268294791



Customers with a hearing or speech impairment can contact us using the Text Relay service. Dial 18001 followed by the full telephone number of the service you require. Calls are charged at your telecommunications provider's standard rate.