

AGENDA

LICENSING COMMITTEE MEETING



Date: Thursday 11 June 2015

Time: 6.30 pm

Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors Mrs Grigg, Mrs Hinder, Mrs Joy,
McKay, B Mortimer, Naghi, Newton,
Mrs Parvin, Perry and Round

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Election of Chairman
5. Election of Vice Chairman
6. Disclosures by Members and Officers

Continued Over/:

Issued on 3 JUNE 2015

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**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

7.	Disclosures of Lobbying	
8.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
9.	Minutes of the Meeting held on 29 January 2015	1 - 5
10.	Licensing Partnership Update Report 2015	6 - 32
11.	Players - Transfer of Sexual Entertainment Venue Licence to E Sexton	33 - 74
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MAIDSTONE BOROUGH COUNCIL

Licensing Committee

MINUTES OF THE MEETING HELD ON THURSDAY 29 JANUARY 2015

Present: Councillors Mrs Blackmore, Cuming, Mrs Grigg,
Mrs Joy, B Mortimer, Naghi, Newton, Perry, Round
and Sargeant

14. COUNCILLOR PETER PARVIN

Councillor Mrs Blackmore, Leader of the Council, paid tribute to and led one minute's silence in memory of Councillor Parvin, Chairman of the Committee, who died on 27 January 2015.

15. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Mrs Hinder, McKay, Mrs Parvin and Powell.

16. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitute Members were noted:

Councillor Mrs Blackmore for Councillor Mrs Parvin
Councillor Cuming for Councillor Mrs Hinder
Councillor Sargeant for Councillor Powell

17. NOTIFICATION OF VISITING MEMBERS

There were no visiting Members.

18. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Round be elected Vice-Chairman of the Committee for the remainder of the Municipal Year 2014-15.

19. URGENT ITEMS

The Vice-Chairman decided to take the item Election of Chairman as being, in his opinion, an urgent item to allow the processes of the Committee to continue following the sad death of Councillor Parvin.

20. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Mrs Joy be elected Chairman of the Licensing Committee for the remainder of the Municipal Year 2014-15.

Or her election the Chairman took the Chair.

The Chairman decided to take the item Election of Conservative Group Spokesperson as, in her opinion, an urgent item to allow the processes of the Committee to continue.

21. ELECTION OF CONSERVATIVE GROUP SPOKESPERSON

RESOLVED: That Councillor Round be elected Conservative Group Spokesperson for the remainder of the Municipal Year 2014-15.

22. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

23. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

24. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

25. MINUTES OF THE MEETING HELD ON 18 SEPTEMBER 2014

RESOLVED: That the minutes of the Meeting held on 18 September 2015 be agreed as a correct record and signed.

26. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - REVIEW OF TAXI RANK PROVISION

The Head of Housing and Communities, John Littlemore, introduced the report on the Review of Taxi Rank Provision. Members were informed that the consultation period for the Hackney carriage proprietors started on 25 April 2014 and finished on 16 May 2014, from which two suggestions arose:

- 1) Establishing permanent taxi rank bays in the lower High Street following the completion of the High Street redevelopment.
- 2) Swapping the current taxi rank outside of 'Lush' in the upper High street/top of Gabriel's Hill with the disabled parking spaces outside of NatWest Bank on the opposite side of the road.

Further consultations were undertaken on these two suggestions, with a request for any further suggestions, among Disabled and Community Groups including the Police, Schools, Churches and various Trusts to name a few, and Transport Integration Stakeholders. Although only 13

responses were returned, the results indicated that the current provision of ranks was no longer considered suitable for the Towns needs and alternative provisions should be investigated and actioned. The Head of Housing and Community therefore proposed that Members consider establishing a working group to undertake a formal process of investigation of options.

In response to questions Members were advised that:

- There had not been a review of all taxi ranks as these were amended in response to increases and decreases in need in different areas.
- Kent Police were one of the statutory bodies that would be consulted on changes to taxi ranks.

Members expressed concern regarding options that would affect the provision and placement of disabled parking bays, however the Committee was mindful that a review of taxi ranks should be considered separately from a review of disabled parking bays, and therefore that reference to disabled parking bays should be removed from the consultation.

Consequently a Member proposed that a working group should not be requested to progress suggestion 2) but would not be precluded from discussion and consideration any comments that arose. This was seconded and agreed by the Committee.

RESOLVED: That Members note the responses received to date and agree that the review of taxi ranks and their hours of operation, including the local and practical issues associated with their provision, be progressed through the establishment of a working group made up of representatives of the trade and officers who will report back to Members subject to the following amendment:

That the first option arising from the consultation form the subject of the working group, namely establishing permanent taxi ranks bays in the lower High Street following the completion of the High Street redevelopment – without this precluding discussion and consideration of comments that arose.

27. REPORT OF HEAD OF HOUSING AND COMMUNITY SERVICES - LICENSING PARTNERSHIP UPDATE

Claire Perry, Licensing Partnership Manager, presented the annual report of the Licensing Partnership and an update on future projects.

During discussion it was noted that:

- A Temporary Event Notice (TEN) was statutory and could not be amended by Local Authorities. These were notices that were countersigned by Licensing, rather than applications that could be granted or refused. The Police or Environmental Health could object

to an event based on the licensing objectives if the event was found to breach the terms of the notice.

- Events held in Maidstone's parks are usually managed by outside organisations, and usually work within TENs and statutory rules. Licenced events in parks that do not sell alcohol usually are held under the authorisation of Premises Licenses rather than TENs. If statutory nuisance levels were breached then Environmental Health would serve notice.
- The Deregulation Bill (which was at the report stage at the time of the meeting) proposed to amend the Licensing Act 2003 and introduce a new form of authorisation, the Part 5A notice, which would enable prescribed bodies (e.g. community organisations or small businesses which sold alcohol as an ancillary part of a wider service) to sell alcohol without having to use one of the existing forms of authorisation. It would also increase the maximum number of temporary events that may be given to the same premises in a year from 12 to 15. The matter of deregulation was stated as a concern for some Members, mindful of the effect this could have on rural areas in particular, as it was suggested that it required action after the event in response to complaints rather than preventing nuisance.

RESOLVED: That the report be noted.

28. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES - DRAFT HACKNEY AND PRIVATE HIRE LICENSING POLICY

The Head of Housing and Communities, John Littlemore, introduced the draft Hackney and Private Hire Policy and explained that the Council has a number of separate policies, guidance notes and conditions relating to hackney carriage and private hire licensed vehicles, drivers and operators but no single document that could be referred to as the 'taxi licensing policy'. The draft Hackney and Private Hire Policy would act as a consolidating document.

The proposed changes included:

- The alignment of Disclosure and Barring Service (DBS) and medical checks with licence renewals which occur three yearly;
- Permitting GPs to submit medical evidence on a bespoke form rather than a Maidstone prescribed form;
- The alignment of MBC policy with Passenger service Vehicle and heavy Goods licence requirements by accepting the production of Group 2 medical certification not less than 6 months old, and licensing drivers with insulin dependence at C1; and
- The introduction of a penalty point system to deal with breaches of licence conditions.

In response to questions it was noted that:

- Parties that were consulted included Maidstone's hackney and private hire drivers, Councillors, MPs and MEPs, Neighbouring Authorities, Local businesses and residents, the West Kent CCG, Kent Police and KCC among others.
- The Communications team would be instrumental in ensuring that the consultation was eliciting meaningful responses.
- Criminal records checks are provided by the embassy for foreign nationals and show a record of the preceding five years. Foreign nationals are required to hold a UK licence for a full year and have a good conduct certificate from the embassy in order to apply for a hackney or private hire licence. Medicals are undertaken by a Doctor in Maidstone.
- The new penalty points scheme was already in effect in Sevenoaks DC and Tunbridge Wells BC to deal with minor indiscretions. This reduced the need to bring minor issues to a sub-committee. If a range of minor indiscretions were identified then this would be brought to sub-committee.
- There were some typographical errors in the draft document which the Head of Housing and Communities noted.

The Head of Housing and Communities advised Members that the intention was to complete the consultation and return with the results to the first meeting of the next Municipal Year.

RESOLVED:

That the draft Taxi Licensing Policy be approved for consultation, with the Head of Housing and Community Services to report responses back to the Licensing Committee in 2015 together with the proposed final policy, and that the Head of Housing and Community Services be given delegation to amend the typographical and other minor errors in the document.

29. DURATION OF MEETING

6.30 p.m. to 7.20 p.m.

Agenda Item 10

Licensing Committee

11th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Licensing Partnership Update Report 2015

Final Decision-Maker	Licensing Committee
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Claire Perry
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

To note the performance of the Partnership as contained within the report and to ask the Licensing Partnership Manager to provide an annual update on the Licensing Partnership activity to the Licensing Committee at this time in the municipal year.

This report relates to the following corporate priorities:

- Great People
- Great Place
- Great Opportunity

Timetable –

<i>Meeting</i>	<i>Date</i>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

Licensing Partnership Update Report 2015

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Council is a member of a partnership with Sevenoaks District and Tunbridge Wells Borough Councils which provides line management responsibilities to their respective licensing enforcement teams and an administration team at Sevenoaks to carry out the processing of licence applications and representations.
- 1.2 This arrangement provides each council with sovereignty over its policies and decision making processes whilst operating within a partnership that gives service resilience and capacity to deal with the fluctuating demands on the service through the year.
- 1.3 This report is a follow up to the report that was presented to the Licensing Committee on 29th January 2015 and provides the Committee with an update on performance for the full financial year.
-

2. INTRODUCTION AND BACKGROUND

- 2.1 In 2009 it was agreed that both the line management and administration of the Council's licensing processes would be undertaken in partnership with Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC). It was agreed that the administrative team processing licensing applications would be based at the offices of SDC with Licensing Officers continuing to be based at each council.
- 2.2 Each council retained responsibility for setting its licensing policies, enforcement strategies and decision making at Sub and Full Licensing committees. Claire Perry, the shared Licensing Partnership Manager, has line management responsibility for the operation of the administration team and the licensing officers of the three councils.
- 2.3 In January 2010 the new Licensing Partnership took effect and the back office functions started to be transferred to the administration hub based at SDC. The administration hub uses a single database to maintain the licensing records for the three authorities. The database structure enables reporting to be carried out on an individual authority basis and allows for the variances that still exist in the policies and procedures of the three authorities.
- 2.4 The Partnership is governed by an agreement made between the three councils and the Chief Officer/Heads of Service responsible for licensing at their respective authorities meet regularly as a Licensing Partnership Board to oversee performance and the direction of the Partnership. John Littlemore, Head of Housing and Community Services at Maidstone is currently the Chair of the Licensing Partnership Board.

3. 2014 - 2015 PERFORMANCE REPORT

3.1 As a result of the continued improvement in service delivery the targets for all the taxi and private hire performance indicators were increased from 75% to 90%.

3.2 In addition the processing target time for drivers and operator licences was decreased from 30 working days to 10 working days to speed up delivery of the service to the customer.

3.3 These improvements were challenging but the team performed very well achieving an excellent performance with the majority of targets met or exceeded. The performance for each authority within the Licensing Partnership and the overall performance of the Licensing Partnership are shown in Appendix A.

3.4 Performance indicators which were not met were:

- a) Maidstone Borough Council - Length of time from validation to issue of Private Hire Operators (PHO) licence (Maidstone Performance indicator) - within 10 working days 84.27% where the target was 90%. The reason this performance indicator was missed was principally due to an administrative error in July when the wrong target date was entered on the Administration Team's worksheet. By the time the error was identified the targets had been missed for 5 applications. Measures were put in place to address this issue and only 2 applications were missed in the remaining 8 months.
- b) Maidstone Borough Council - Premises licensing compliance visits 178 were carried out where the target was 180. This was principally due to the Licensing Officer position being vacant from March 2014 – July 2014. During this period it was not feasible to carry out compliance visits. Subsequently the vacancy was filled and the resulting activity demonstrates the excellent performance of the officers at Maidstone in that they only fell 2 short of the annual target.
- c) Sevenoaks District Council - Length of time to process an application from date of validation to issue date for new and variation of premises (not Designated Premises Supervisor DPS) 85.71% where the target was 95%. 1 application was missed in the year but as the number of applications received that year was also low this had a significant impact on the performance figures. Measures have been implemented to reduce the likelihood of a recurrence.
- d) Tunbridge Wells Borough Council - Length of time to process an application from date of validation to issue date for new and variation of premises (not DPS) 92% where the target was 95%. 2 applications were missed in the year. Both of these applications resulted in a hearing which had an impact in issuing the licences.

3.5 All the other performance indicators were achieved last year with extremely high achievement figures.

3.6 Premises continue to be risk assessed following a visit to ensure that the Licensing Partnership is not placing an undue burden on businesses. By carrying out a risk assessment the premises fall into a category, according to the risk

posed by their types of licensing activity, type of premises, number of complaints about the premises and the confidence in the management at the premises. This category will then determine the frequency of future visits. This frequency will only change if there have been complaints about the premises in which case a visit may be made or if there have been changes at the premises such as personnel, changes in activities/conditions/layout etc. again the premises may be visited.

4. KEY ACTIVITIES IN THE LAST SIX MONTHS AND PROGRESS REGARDING PREVIOUS SERVICE OBJECTIVES

- 4.1 Over 3,775 applications under the various licensing regimes have been received and processed within the last year.
- 4.2 There have been 3 Licensing Act sub-committee hearings at Maidstone Borough Council.
- 4.3 At Maidstone Borough Council three Dual drivers, one Hackney Carriage driver, five Private Hire drivers, one Private Hire vehicle and one Hackney Carriage vehicle have been suspended. One Private Hire driver licence has been revoked.
- 4.4 During the last 12 months more online forms have been brought into use. The Licensing Partnership engaged the services of Victoria Forms, an online form provider in the autumn of 2013. Officers have been working closely with Victoria Forms to integrate the online forms with the back office software used by the Licensing Partnership. This means, that wherever possible, the online forms once completed and submitted drop the information provided by the customer into the fields within the database. This negates the need for dual key entry.
- a) In April 2015 118 out of 135 TENS were issued online which is 87.4%, the highest figure to date.
 - b) In addition, the service is now receiving online applications for
 - new Personal licences,
 - renewal of Personal licences,
 - change of details for Personal licences,
 - taxi vehicles,
 - taxi drivers,
 - taxi operators,
 - designated premises supervisor variations
 - transfer of premises licences and
 - the latest online form for new lottery registrations.
 - c) There are 11 forms currently in various stages of testing and these will come online within the next 2 – 6 months.
 - d) Following these 11 there are approximately another 10 forms to test and bring online which is planned for within this financial year.

- e) There is a survey form which the customer may complete upon submission of their application form. The feedback that is received from customers is used to improve the forms and develop them further.
- 4.5 Continuing with the actions identified in the Customer Insight toolkit action plan (developed with the assistance of the Business Delivery Unit from Tunbridge Wells Borough Council) the Licensing Partnership is working with the IT Department at Sevenoaks District Council to change the method by which notify tax licensees are notified that their licence is due for renewal or there is an action that is required in conjunction with their licence.
- 4.6 Currently the Administration Team send out weekly reminder letters and renewal documents in the post. On some weeks this can be up to 80 letters and is usually in excess of 30 letters. This will be replaced with an email notification advising the customer that they need to renew their application and it will provide them with a link to the appropriate web page on the website. This will encourage our customers to use the online application forms. However, there will still be the ability for customers to download the forms from the web pages should they wish to submit applications in a hard copy format.
- 4.7 The Licensing Partnership will also review the need to provide original documentation with applications to renew and will seek to amend the individual policies to permit this.
- 4.8 During 2014/15 the cost of the Licensing Partnership to the three authorities were reduced by £30,000 to £318,000. For 2015/16 the cost for the three partners has remained at this level.
- 4.9 Every year the Licensing Partnership issues just under 1,500 invoices for payments due to the authorities. Work continues with the project in recovering the outstanding annual fees and suspension notices have been issued for those payments that have not been paid.
- 4.10 The Licensing Partnership Document Retention Policy has been implemented to assist in moving towards a 'paper-less' office environment. The team based at Sevenoaks District Council are currently working through all the existing files to strip them down to conform to the Document Retention Policy. The Administration Team have also been scanning the premises files held at Tunbridge Wells so that all the historic documents contained in these files are available electronically to all members of the Licensing Partnership. Work will begin in the next year to scan in any documents from Maidstone Borough Council that should be available electronically.
- 4.11 The Administration Team working on behalf of the three authority partners processed during 2014/15 6,193 tasks which included the processing and issuing of licences.
- 4.12 The Licensing Partnership continues to provide 4 weeks of valuable work experience at the Hub for people sent from the Job Centre placement scheme and during 2014/15 there was a licensing administration apprentice. The

Licensing Partnership Board will consider engaging another apprentice around autumn 2015 once the GCSE and A level results have been published.

- 4.13 The Licensing Officers and Administration Team have provided invaluable cover for absences at the other authorities. For example Maidstone did not have a Licensing Officer between March 2014 and July 2014 and the Licensing Officer at Tunbridge Wells was off sick following a road traffic accident from July 2014 until November 2014.

5 SERVICE OBJECTIVES FOR 2015/16 AND PLANNED SERVICE IMPROVEMENTS

5.1 Objective 1 - To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets.

- a) This is ongoing and performance is monitored on a weekly and monthly basis.
- b) 1:1 meetings with staff are carried out monthly
- c) there is a Licensing Partnership team meeting once a month and
- d) the Licensing Partnership Board meets 4 times a year.

5.2 Objective 2 - Investigate further undertaking of licensing functions for other local authorities.

- a) Discussions are continuing with another local authority to explore the possibility of joining the Licensing Partnership.

5.3 Objective 3 - Utilise customer insight and bench marking information to inform service improvements as appropriate.

- a) Use of online forms;
- b) changes in renewal process for taxis licensees;
- c) ongoing changes to the web pages;
- d) introducing a separate customer survey questionnaire to improve feedback from customers other than those who submit their applications online;
- e) reducing the face to face contact in reception and the gateways.

5.4 Objective 4 - Ensure all online forms are implemented and in use by customers. See paragraph 4.4 above.

5.5 Objective 5 - Undertake a programme of training for Members and officers, especially in light of the legislative changes and elections taking place in 2015.

The Member's training at Maidstone Borough Council will be delivered by Jayne Bolas. Solicitor and Team Leader (Contentious) for Maidstone Borough Council

- a)
- b) The Licensing Partnership will hold 2 or 3 open mornings/afternoons where Members will be invited to experience the Administration team in action and learn more about how the Licensing Partnership operates.

5.6 Objective 6 - Transfer remaining licences that are being processed by MBC and TWBC so that they can be managed on FRED Uniform e.g. street trading, special treatments.

- a) This is currently underway for the Boatmen licences currently administered by Maidstone Borough Council.

5.7 Objective 7 - Officers and Licensing Committees to consider opportunities for greater harmonisation of policies.

- a) Maidstone and Sevenoaks taxis and private hire policies are being drafted to seek greater harmonisation.
- b) Investigations are underway regarding the purchase and implementation of the online Diamond Knowledge Test which would allow for the incorporation of Disability Awareness testing for new drivers.

5.8 The Licensing Partnership Manager will also undertake a review of all the fees and charges that are currently set by the Licensing Authority within the next 6 months.

6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 The service objectives will be implemented.

6.2 An update report will be brought annually to the Licensing Committee at the first meeting in the new municipal year.

7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	None	[Head of Service or Manager]
Risk Management	A risk assessment is undertaken on an annual basis regarding the service objectives and reviewed regularly.	[Head of Service or Manager]
Financial	Financial implications have been dealt with in the body of the report.	[Section 151 Officer & Finance Team]
Staffing	No impact	[Head of Service]
Legal	This is a report to update on the progress of the Licensing Partnership.	[Legal Team]

Equality Impact Needs Assessment	No impact, this is a report to update on the progress of the Licensing Partnership.	[Policy & Information Manager]
Environmental/Sustainable Development	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service or Manager]
Community Safety	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service or Manager]
Human Rights Act	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service or Manager]
Procurement	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service & Section 151 Officer]
Asset Management	No impact, this is a report to update on the progress of the Licensing Partnership.	[Head of Service & Manager]

8 REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: End of Year Performance report
- Appendix II: Service Plan for the Licensing Partnership

9 BACKGROUND PAPERS

- Revenue tracker 2014/15












2014/15 Licensing Partnership Performance Report













MAIDSTONE BOROUGH COUNCIL

Description	Quarters				Annual			
	Q1 2014/15	Q2 2014/15	Q3 2014/15	Q4 2014/15	2014/15			
	Value	Value	Value	Value	Value	Target	Status	Note
Percentage of valid personal licences processed within two weeks	100%	100%	100%	100%	100%	95%		116/116 applications
The percentage of valid temporary event notices processed within 72 hours	100%	100%	100%	100%	100%	90%		329/329 notices
Percentage of applications for new and variation premises licences processed within two calendar months	100%	100%	100%	100%	100%	95%		36/36 applications
Percentage of HC vehicle licences issued with 5 days	100%	93.75%	100%	100%	98.51%	90%		66/67 applications
Percentage of PH vehicle licences issued within 5 days	88.89%	98.68%	96.55%	96.92%	95.42%	90.00%		251/262 applications
Length of time from validation to issue of HC and dual driver licences (Percentage within 10 days)	100%	100%	100%	100%	100%	90%		49/49 applications
Length of time from validation to issue of PH driver licence (Percentage issued within 10 days)	94.44%	100%	100%	100%	99.18%	90%		106/107 applications
Percentage of PHO licences issued within 10 days	79.31%	72.73%	91.3%	100%	84.27%	90%		75/89 applications
The number of taxi enforcement checks completed (one per taxi vehicle)	5	45	104	58	212	180		
Premises licensing enforcement visits	1	47	57	73	178	180		
Percentage of applications outstanding	3.09%	4.49%	2.13%	1.22%	2.74%	<10%		13/474 over 1 month old












SEVENOAKS DISTRICT COUNCIL

Description	Quarters				Annual			
	Q1 2014/15	Q2 2014/15	Q3 2014/15	Q4 2014/15	2014/15			
	Value	Value	Value	Value	Value	Target	Status	Note
The percentage of valid personal licences processed within 2 weeks	100.00%	100.00%	100.00%	100.00%	100.00%	95.00%		87/87 applications
The percentage of valid temporary event notices processed within 72 hours	100.00%	100.00%	100.00%	100.00%	100.00%	90.00%		371/371 notices
Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	DIV/0	100%	100%	50%	85.71%	95%		6/7 applications
Length of time from validation to issue of HC vehicle licence - target 5 working days	93.1%	98.41%	100%	100%	97.87%	90%		230/235 applications
Length of time from validation to issue of PH vehicle licence - target 5 working days	80%	100%	100%	100%	96.15%	90%		100/104 applications
Percentage of Hackney Carriage driver licenses issued within 10 days of validation	96.00%	95.24%	100.00%	100.00%	97.73%	90.00%		86/88 applications
Percentage of Private Hire driver licenses issued within 10 days of validations	87.50%	92.31%	100.00%	100.00%	95.75%	90.00%		45/47 applications
Percentage of Private Hire Operator licenses issued within 10 days of validations	75.00%	100.00%	100.00%	100.00%	95.24%	90.00%		20/21 applications
The number of taxi enforcement checks completed (one per taxi vehicle)	24	26	33	27	110	84		
Number of monthly premises licensing enforcement visits due that were undertaken	61	62	78	72	273	240		
Percentage of all applications outstanding for more than one month	2.38%	2.94%	1.06%	1.85%	2%	<10%		5/261 over 1 month old

TUNBRIDGE WELLS BOROUGH COUNCIL

Description	Quarters				Annual			
	Q1 2014/15	Q2 2014/15	Q3 2014/15	Q4 2014/15	2014/15			
	Value	Value	Value	Value	Value	Target	Status	Note
Percentage of valid personal licences processed within two weeks	100%	100%	100%	100%	100%	95%		68/68 applications
% of valid temporary event notices processed within 72 hours	100%	100%	98.84%	100%	99.73%	90%		366/367 notices
% of applications for new and variation premises licences	100%	71.43%	100%	100%	92%	95%		23/25 applications
% of HC vehicle licences issued with 5 days	91.43%	97.37%	100%	100%	97.28%	90%		143/147 applications
% of PH vehicle licences issued within 5 days	79.07%	94.44%	97.56%	100%	92%	90%		138/150 applications
% of dual driver licences issued within 30 days	95%	100%	100%	100%	98.78%	90%		81/82 applications
% of PHO licences issued within 30 days	100%	100%	100%	100%	100%	90%		24/24 applications
No. of taxi enforcement checks completed (one per taxi vehicle)	34	23	41	31	129	120		
Premises licensing enforcement visits	30	41	171	49	291	120		
% of applications outstanding	3.05%	2.74%	4.55%	4.76%	3.59%	<10%		10/307 over 1 month old

LICENSING PARTNERSHIP

Description	Quarters				Annual			
	Q1 2014/15	Q2 2014/15	Q3 2014/15	Q4 2014/15	2014/15			
	Value	Value	Value	Value	Value	Target	Status	Note
Valid Personal Licenses Processes within two weeks	100%	100%	100%	100%	100%	95%		261/261 applications
Valid Temporary Event Notices Processed within 72 hours	100%	100%	99.61%	100%	99.91%	90%		1047/1048 notices
Length of time to process an application from date of validation to issue date for new and variation of premises (not DPS)	100%	92%	100%	92.31%	95.59%	95%		65/68 applications
Length of time from validation to issue of HC vehicle licence (MPI) - within 5 working days	93.69%	97.44%	100%	100%	97.77%	90%		439/449 applications
Length of time from validation to issue of PH vehicle licence (MPI) - within 5 working days	84.13%	97.92%	97.78%	98.2%	94.57%	90%		489/516 applications
Length of time from validation to issue of HC and dual driver licence (MPI) - within 10 working days	96.08%	98.21%	100%	100%	98.64%	95%		217/220 applications
Length of time from validation to issue of PH driver licence (MPI) - within 10 working days	100%	100%	100%	100%	100%	95%		166/169 applications
Length of time from validation to issue of PHO licence (MPI) - within 10 working days	82.05%	81.25%	93.94%	100%	88.81%	90%		119/134 applications
Taxi Compliance checks completed (one per Taxi Vehicle)	63	94	178	116	451	384		
Premises compliance monthly visits	92	150	306	194	742	540		
Percentage of applications outstanding for more than one month	2.92%	3.48%	2.48%	2.25%	2.8%	<10%		33/1086 over 1 month old

Licensing Service Plan 2015/16

Licensing
Partnership



Contents

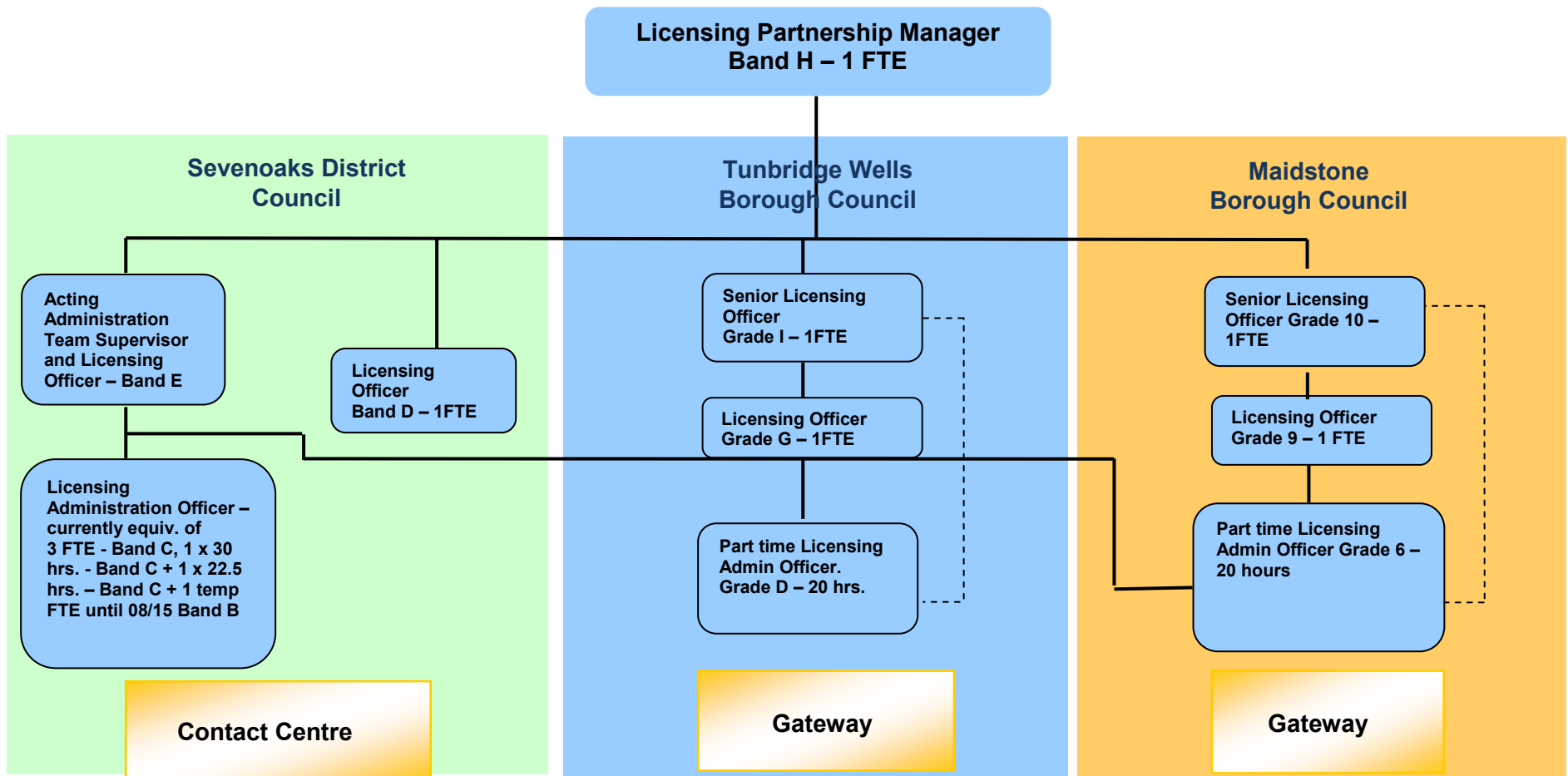
Section		Page Number
1	Who we are	2
2	What we do	4
3	2015/16 Service Objectives	5 - 11
4	Performance indicators and targets	12 - 13

1. Who we are

Team	Licensing Partnership comprising Maidstone Borough Council, Sevenoaks District Council and Tunbridge Wells Borough Council
Service Manager	Claire Perry
Chief Officer / Head of Service	John Littlemore, Richard Wilson and Gary Stevenson

Our Structure Chart

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2. What we do

Key Tasks	<ul style="list-style-type: none">■ Manage and oversee the Licensing Partnership.■ Seek to promote the licensing objectives of the relevant legislation.■ Our aim is to protect the public but also allow legitimate businesses within the area to prosper.■ To ensure that the legitimate taxis and private hire trade are able to provide a safe mode of transport to the residents and users within the Partnership's area.■ Compliance – ensure compliance of licensed premises, activities and events following grant of respective licences, permits and / or notices■ To enhance customer service while ensuring compliance with legislation.■ Fulfilling statutory duty whilst optimising cost savings and maintaining individual client's Council sovereignty.
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3. 2015/16 Service Objectives

Objective 1	To manage the Licensing Partnership to deliver efficiency savings and achieve performance targets	Responsible Officer	Claire Perry
Performance Measure	Description	2015/16 Target or Outcome	
Performance Indicator	<ul style="list-style-type: none"> • Percentage of all applications outstanding for more than one month • The percentage of valid personal licences processed within 2 weeks • The percentage of valid temporary event notices processed within 72 hours • Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date) • Length of time from validation to issue of HC vehicle licence (MPI) - target 5 working days • Length of time from validation to issue of PH vehicle licence (MPI) - target 5 working days • Length of time from validation to issue of HC/Dual driver licence (MPI) - target 10 working days • Length of time from validation to issue of PH driver licence (MPI) - target 10 working days • Length of time from validation to issue of PHO driver licence (MPI) - target 10 working days 	<p><10%</p> <p>95%</p> <p>95%</p> <p>95%</p> <p>90%</p> <p>90%</p> <p>90%</p> <p>90%</p> <p>90%</p> <p>90%</p> <p>To be achieved by 31/03/2016</p>	
Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities

Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

Objective 2	Investigate further undertaking of licensing functions for other local authorities.	Responsible Officer	Licensing Partnership Board
Performance Measure	Description	2015/16 Target or Outcome	
Action	Make enquiries with potential partners to undertake licensing functions for a 4 th and 5 th partner.	Further functions carried out for other partners. To be achieved by 31/03/2016	
Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

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Objective 3	Utilise customer insight and bench marking information to inform service improvements as appropriate		Responsible Officer	Claire Perry
Performance Measure	Description	2015/16 Target or Outcome		
Action	Increase the feedback received from customers regarding the service they receive and improvements that can be achieved	An increase in responses received and improvements made to the service. To be achieved by 31/03/2016		
Action	Implement an improved renewal/reminder notification system utilising email and text for taxi licensees	Reduce the cost of providing reminders to licensees		
Action	Reduce the face to face interaction for Licensing Partnership staff by implementing scripts to enable customer service staff to assist licensees in their requirement	Reduction in time spent for Licensing Partnership staff in reception, Town Hall & Gateway		
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities	
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence			
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about our customers	

Objective 4	Ensure all online forms are implemented and in use by customers	Responsible Officer	Claire Perry
Performance Measure	Description	2015/16 Target or Outcome	
Action	The library of on line forms are implemented across the three partners.	On line forms are in place and in use. To be achieved by 31/03/2016	
Link to Sevenoaks Corporate Plan	Supporting and developing the local economy	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

Objective 5	Undertake a programme of training for Members and officers, especially in light of the legislative changes and elections taking place in 2015	Responsible Officer	Claire Perry
Performance Measure	Description	2015/16 Target or Outcome	
Action	Deliver a programme of training to the Members and officers.	Programme delivered To be achieved by 31/03/2016	
Action	Hold 3 or 4 morning/afternoon sessions where Members can visit the Licensing Partnership's Administration Team		
Link to Sevenoaks Corporate Plan	Keeping the district safe	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	For Maidstone to be a decent place to live		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about our people

Objective 6	Transfer remaining licences that are being processed by MBC and TWBC so that they can be managed on FRED Uniform e.g. street trading, special treatments	Responsible Officer	Claire Perry/Lorraine Neale/Sharon Degiorgio
Performance Measure	Description	2015/16 Target or Outcome	
Action	Ensure all administration processes are delivered through the Licensing Partnership Administration Team	All processes are transferred. To be achieved by 01/06/2015	
Action	Create new processes with process flow sheets for each process	Process sheets produced To be achieved by 01/06/2015	
Action	Create a new procedure for each process	Procedures produced To be achieved by 01/06/2015	
Link to Sevenoaks Corporate Plan	Providing value for money	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

Objective 7	Officers and Licensing Committees to consider opportunities for greater harmonisation of policies	Responsible Officer	Claire Perry/Lorraine Neale/Sharon Degiorgio
Performance Measure	Description	2014/15 Target or Outcome	
Action	Explore greater harmonisation of licensing policies across the partnership	When the policies are reviewed greater harmonisation is achieved. To be achieved by 31/03/2016	
Link to Sevenoaks Corporate Plan	Keeping the district safe	Link to Sevenoaks Community Plan	Safe Communities
Link to Maidstone Corporate Priorities	Corporate & Customer Excellence		
Link to Tunbridge Wells Key Objectives in the Vision	A Prosperous Borough	Link to Strategic Compass	Passionate about providing value

4. Measuring our Performance

Performance Indicators and Target Setting

Code	Description	Collection period	2014 - 15 Target	2015 -16 Target
LPI LIC 001	Percentage of all applications outstanding for more than one month	Monthly	<10%	<10%
LPI LIC 002	The percentage of valid personal licences processed within 2 weeks	Monthly	95%	95%
LPI LIC 003	Percentage of applications for new and variation of premises licences processed within 2 calendar months (from date of validation to issue date)	Monthly	95%	95%
LPI LIC 004	The percentage of valid temporary event notices processed within 72 hours	Monthly	90%	95%
LPI LIC 005	The percentage of driver and operator licenses issued within 10 days of validation	Monthly	90%	90%
MPI LIC 05a	Percentage of Hackney Carriage driver licenses issued within 10 days of validation	Monthly	90%	90%

MPI LIC 05b	Percentage of Private Hire driver licenses issued within 10 days of validations	Monthly	90%	90%
MPI LIC 05c	Percentage of Private Hire Operator licenses issued within 10 days of validations	Monthly	90%	90%
MPI LIC 012	Length of time from validation to issue of HC vehicle licence (MPI) - target 5 working days	Monthly	90%	90%
MPI LIC 013	Length of time from validation to issue of PH vehicle licence (MPI) - target 5 working days	Monthly	90%	90%
MPI LIC 017	The number of taxi enforcement checks completed (one per taxi vehicle)	Monthly	Maidstone 180 Sevenoaks 84 Tunbridge Wells 120	Maidstone 180 Sevenoaks 120 Tunbridge Wells 120
Data LIC 001	Total number of Hackney Carriage vehicle licences issued	Monthly		
Data LIC 002	Total number of Private Hire vehicle licences issued	Monthly		
Data LIC 003	Number of monthly premises licensing enforcement visits due that were undertaken	Monthly	Maidstone 180 Sevenoaks 238 Tunbridge Wells	Maidstone 180 Sevenoaks 230 Tunbridge Wells

			120	180
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Licensing Committee

11th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Players - Transfer of Sexual Entertainment Venue Licence to E Sexton

Final Decision-Maker	Licensing Committee
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	High Street

This report makes the following recommendations to the final decision-maker:

That the Licensing Committee permits the transfer of the Sex Entertainment Venue licence to the applicant on the same conditions as previously approved.

This report relates to the following corporate priorities:

- Great Place

Timetable – N/A

<i>Meeting</i>	<i>Date</i>
Policy and Resources Committee	
Council	
Other Committee	

Players - Transfer of Sexual Entertainment Venue Licence to E Sexton

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 To advise Members of an application made under Section 2 and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 for the transfer of the existing sex establishment licence for premises known as Players, situated at 57 High Street, Maidstone, Kent, ME14 1SY.

2. INTRODUCTION AND BACKGROUND

2.1 Members are requested to consider an application to transfer a sex establishment licence. The premises presently operate under the terms of the licence as a sexual entertainment venue providing lap dancing.

2.2 The Policing and Crime Act 2009 amended the Local Government (Miscellaneous Provisions) Act 1982 (the Act) Section 2 and Schedule 3 to introduce a new classification of sex establishment, namely sexual entertainment venues (SEV). This brings lap dancing, pole dancing and other “relevant entertainment” into the same regime as licensed sex shops and sex cinemas, which has been in operation in the Maidstone area since 1982.

History of premises

2.4 Players situated at 57 High Street, Maidstone, Kent, ME14 1SY, holds a premises licence under the Licensing Act 2003 which was issued on 30 August 2007 and adult entertainment was covered by it. On 2 March 2011 the Council resolved to adopt the Local Government (Miscellaneous Provisions) Act 1982, as amended by Section 27 of the Policing and Crime Act 2009 and the new powers took effect locally on the 1 May 2011.

2.5 Players applied for a SEV on 28 October 2011 and Committee resolved at a meeting on 5 March 2012 to grant Players a SEV licence. The SEV licence has been in place at the premises since then and is renewed annually. A copy of the current SEV licence may be found at Appendix A.

The Application

2.5 Members are required to consider this application by Emma Sexton for the transfer of a sex establishment licence for Players, 57 High Street, Maidstone, Kent, ME14 1SY, from James Pemble to her.

2.6 A copy of the application may be found at appendix B to this report.

2.7 A map of the location of the premises can be found at appendix C.

2.8 A public notice advertising the application has been displayed at the premises for a period of 21 days and published in the local press.

Objections

2.9 In considering any application for the transfer of a licence the authority shall have regard to any observations submitted by the chief officer of police and any objections received.

2.10 Any objection must be provided in writing to the authority, stating in general terms the grounds of the objection, and this should be provided no later than 28 days after the date of the application, albeit there is the provision for the acceptance of objections outside the notice period if these bring significant relevant new information (*Miss Behavin' Ltd v Belfast City Council*).

2.11 The Act imposes no pre-qualifications on who may be an objector nor is there any constraint on the grounds upon which the objection is made.

2.12 No observations have been made by the Maidstone Police, the responsible authorities or objections by any other party in respect of this transfer application.

3. AVAILABLE OPTIONS

3.1. The following options are open to Members of the Committee:

Members may decide one of three options:

1. Approve the transfer of the licence
2. Approve the transfer of the licence with conditions
3. Refuse the transfer of the licence

3.2 Option 1 would permit the licence to be transferred to Emma Sexton and continue to be monitored in the same way as previously.

3.3 Option 2 would permit the licence with the same or revised conditions that are appropriate and proportionate to the application. However, it is normal practice to revise conditions at the renewal of a licence rather than at the time of transfer.

3.4 Option 3 the Committee may refuse the transfer but can only do so if one of the following reasons is met:

Refuse the application on the following mandatory grounds;

- if the applicant is under the age of 18.
 - if the applicant has a disqualification following the revocation of their licence
 - if the applicant is not-resident in the UK,
 - if the applicant is a company not incorporated in the UK,
 - or a previous refusal of the applicant at the same premises in the previous 12 months.
- Refuse the application on the following discretionary grounds:
 - if the applicant is unsuitable to hold the licence by reason of having been

- convicted of an offence or for any other reason,
- if the licence were to be transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the transfer of such a licence in their own right.

3.5 If members were considering refusal of the transfer of the licence they are required to give the licence holder and the applicant the opportunity of appearing before them and being heard.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The Licensing Committee is recommended to approve the transfer of the licence on the existing conditions. The Council has not received any objections to the transfer of the licence. There is no evidence to support refusal under either the mandatory or discretionary grounds, as outlined by the relevant legislation. The existing licence conditions have enabled the premises to operate without incident or cause for concern and therefore should continue.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 No objections were received during the statutory consultation period.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities		[Head of Service or Manager]
Risk Management		[Head of Shared Audit Service]
Financial	The cost of transferring the licence will be met by the applicant.	Section 151 Officer
Staffing		
Legal	Noted within the report	Head of Legal Services
Equality Impact Needs Assessment		
Environmental/Sustainable Development		

Community Safety	Noted within the report	
Human Rights Act		
Procurement		
Asset Management		

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

7.1 Appendix A – Copy of Existing Sex Establishment Licence

7.2 Appendix B – Copy of Application

7.3 Appendix C – Location map

8. BACKGROUND PAPERS

8.1 Maidstone Borough Council Licensing of Sex Establishments – Statement of Licensing Policy.

8.2 Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.



SEX ESTABLISHMENT LICENCE

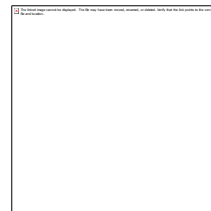
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 As amended by the POLICING AND CRIME ACT 2009 (Section 2 and Schedule 3)

Maidstone Borough Council being the licensing Authority under Schedule 3 of the above Act as amended by the Policing and Crime Act 2009, **GRANT A LICENCE** to:

Name: Mr. Pemble
At the premises situated and known as: Players
57 High Street
Maidstone
Kent. ME14 1SY

The licence is issued subject to the standard conditions contained in the Maidstone Borough Council policy as approved on 2nd March 2011 relating to such licences and also to the varied conditions set out in the attached Schedule.

Licence number: 13/00702/SEXEST
Date licence granted: 16th May 2013
Expiry date of licence: 15th May 2014



Neil Harris
Head of Democratic Services
Maidstone Borough Council

Dated: 9th May 2013

A copy of this licence and any regulations prescribing standard conditions made by the authority must be kept exhibited in a conspicuous position at the premises known as 'Players' 57 High Street, Maidstone, Kent. ME14 1SY

(Failure to do so without reasonable excuse is an offence punishable by a fine not exceeding level 3 on the standard scale of fines).

Extract from the Local Government (Miscellaneous Provisions) Act 1982

Appeals (Sched.3, para. 27)

27. – (1) Subject to sub-paragraphs (2) and (3) below, any of the following persons that is to say –

(a) an applicant for the grant, renewal or transfer of a licence under the Schedule whose application is refused;

(b) an applicant for the variation of terms, conditions or restriction on or subject to which any such licence is held whose application is refused;

(c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which licence is held; or

(d) a holder of any such licence whose licence is revoked may at any time before the expiration of the period of 21 day beginning with the relevant date appeal to the magistrates' court acting for the relevant area.

(2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.

(3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3)(c) of (d) above shall not have the right to appeal under this paragraph.

(4) In this paragraph – “the relevant area” means –

(a) in relation to premises, the petty sessions area in which they are situated; and

(b) in relation to a vehicle, vessel or stall, the petty sessions area in which it is used or, as the case may be, desired to be used as a sex establishment; and “the relevant date” means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(5) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.

(6) Where an appeal is brought to the Crown Court under sub-paragraph (5)

above, the decision of the Crown Court shall be final: and accordingly in section 28(2)(b) of the Supreme Court Act 1981 for the words “of the Gaming Act 1986” there shall be substituted the words “or the Gaming Act 1968” there shall be substituted the words “the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982”.

(7) On an appeal to the magistrates' court for the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraphs (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or Crown court.

(9) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force –

(a) until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and

(b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(11) Where-

(a) the holder of a licence makes an application under paragraph 18 above; and

(b) The appropriate authority impose any term, condition or restriction other than one specified in the application, the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.



SEX ESTABLISHMENT LICENCE CONDITIONS

Sexual Entertainment Venue Conditions

Times of Opening

Condition 1

The premises shall not open unless otherwise permitted:

Monday to Sunday 20.30 - 02:00
New Years Eve 20.30 - 03:00

Conduct and Management of Premises

Condition 2

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 3

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

Condition 4

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 5

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

Condition 6

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

Condition 7

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

Condition 8

Licensee shall maintain good order on the premises and in particular shall ensure that no

- lewd conduct
- indecent behaviour
- unlawful possession and/or supply of controlled drugs
- conduct likely to cause a breach of the peace on the premises
- offers of any sexual or indecent service for reward
- any acts of violence against person or property and/or the attempt or threat of such acts

takes place on the premises or in its immediate vicinity

Condition 9

A management operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by the Licensing Authority. This document shall be on going and under constant review.

Condition 10

All members of staff (except performers) shall be easily identifiable. If required by the Council or Kent Police in writing the licensee shall ensure that during the hours the premises are open for relevant entertainment staff will wear a badge of a type/format approved by the Council indicating their name and that they are an employee or person working in the premises.

Age Restriction

Condition 11

No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

Condition 12

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES

Advertising

Condition 13

No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

Condition 14

The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive. Any promotional advertising in respect of the premises must have prior approval of the licensing Authority before its display/distribution.

Condition 15

The premises should not advertise by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

External and Internal access to an area holding relevant entertainment

Condition 16

The entrances to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by.

Condition 17

Windows and openings within the premises other than entrances will have curtains / blinds of a type and size that covers windows and openings which render the interior of the premises where relevant entertainment is taking place invisible to passers by and/or other areas within the building that are open to the public for other activities.

Condition 18

Windows will remain closed whilst the premises or part of that premises is being used for relevant entertainment.

Layout of the premises

Condition 19

No fastening of any description shall be fitted upon any booth or cubicle within the premises.

Condition 20

All temporary dance booths or cubicles are covered by CCTV which will be monitored throughout all performances by an SIA registered member of staff.

Condition 21

Any changes to layout of the premises must be informed to the licensing authority in writing submitting plans. Alteration must not take place without prior written consent by the Licensing Authority

Condition 22

The licensee shall ensure that noise from the premises or vibration be transmitted through the structure of the premises does not give rise to a nuisance to the occupiers of premises in the vicinity of the venue.

Condition 23

The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

Condition 24

Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private' and remain closed other than for the purposes of the ingress and egress of management, staff and performers.

Entertainers/Performers

Condition 25

An appropriate room shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted public access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.

Condition 26

At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

Condition 27

On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location

Condition 28

Performers shall be aged not less than 18 years old.

Condition 29

Only the performers shall provide the entertainment, no audience participation shall be permitted.

Condition 30

No performance shall include a sex act with any other performer, persons in the audience or with the use of any object or animal.

Condition 31

In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment and the details shall be specified in a clearly visible notice in each area designed for private relevant entertainment.

Condition 32

Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in an area of the premises open to the public that is not designated area for relevant entertainment.

Condition 33

All performers shall be aware of the management operation that will include a written policy on the conduct of performers.

Condition 34

Photography or videoing of performances should not be allowed.

Condition 35

There shall be routine checking of employment records and evidence that all prospective staff and performers have the right to work in the UK.

Condition 36

Performers should not be permitted to arrange contacts or liaisons, exchange telephone numbers or other means of making contact while on the premises

Staffing

Condition 37

During any lap dancing performance, or private dance, performers may not:

- Touch any customers with their fingers.
- Perform within 6" from any part of a patron save that they are allowed to sit on the lap of a customer provided they sit with their backs to the customer.
- Climb onto furniture provided for patrons.
- Simulate sex acts.
- Use sex articles.

Sale of Goods

Condition 38

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Entertainment Venue.

Display of Tariff and Charges

Condition 39

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

Condition 40

Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

Condition 41

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

Condition 42

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

Use of Premises

Condition 43

No change from a sex shop or sex cinema to a sexual entertainment venue cinema or from a sex entertainment venue to a sex shop or sex cinema shall be effected without the consent of the Council.

Condition 44

The words "Gentlemans Club" will be removed from signs on the premises frontage and from any advertising signs for the premises within one month from the date of receipt of this decision.

INFORMATIVE.

The licence holder should review and use his best endeavours to improve the disabled access to toilet facilities at the premises. He should demonstrate to the Licensing section within 3 months that he has explored possibilities with relevant officers at Maidstone Borough Council.

Additional Conditions

Security

Condition b

Door supervisors, registered in accordance with the Security Industry Authority (SIA) shall be on duty at all times when relevant entertainment is taking place.

Condition c

An adequate number of door supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one door supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.

Condition d

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable

activity. Access of the recordings to be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.



Licensing Department
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

Application for the grant, renewal or transfer of a Sex Establishment licence pursuant to:-
Local Government (Miscellaneous Provisions) Act 1982 Schedule 3
Policing and Crime Act 2009 Section 27

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Data Protection

Maidstone Borough Council is the Data Controller.

Your personal information will be held and used in accordance with the requirements of the Data Protection Act 1998.

We will use the information you have provided in connection with the administration of Licensing. We may lawfully disclose information to other public sector agencies to:

- prevent or detect fraud and any other crime;
- support national fraud initiatives;
- protect public funds;
- progress your request for service.

We may also use basic information about you, e.g. name and address, in other areas of service provision at Maidstone Borough Council if this:

- helps you to access our services more easily;
- promotes the more efficient and cost-effective delivery of services;
- helps us to recover monies that you owe us.

We will not use personal information in any way that may cause detriment.

Completing the Application Form

If you are completing this form by hand, please write legibly in black ink. Use additional sheets if necessary (marked with the number of the relevant question) you may wish to keep a copy of the completed form for your records.

IMPORTANT NOTES

- (1) All questions must be answered, save where otherwise stated. If relevant questions are not answered, the application will be deemed incomplete and returned to the Applicant.
- (2) Any person who, in connection with an application for a grant, renewal or transfer of a sex establishment licence makes a false statement which he knows to be false in any material respect of which he does not believe to be true is guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.
- (3) Please send the completed application form to Licensing Department, Maidstone Borough Council at the address at the top of this page.

MAIDSTONE BOROUGH COUNCIL
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 SCHEDULE 3
POLICING AND CRIME ACT 2009 SECTION 27
APPLICATION FOR A GRANT/RENEWAL/TRANSFER (DELETE AS APPLICABLE) OF A
LICENCE TO USE ANY PREMISES, VEHICLE, VESSEL OR
STALL AS A SEX ESTABLISHMENT

A. APPLICANT DETAILS:

1.	Is the application being made by:-	Tick or enter where appropriate:								
	(a) An individual? Please go to question 2	YES								
	(b) A Company or other Body Corporate? Please go to question 3 & 5									
	(c) A Partnership or other unincorporated body? Please answer questions 4 & 5									
2.	If the applicant is an individual please give the following information:-									
	(a) Full name of the applicant.	EMMA LOUISE SEXTON								
	(b) If the applicant has ever been known by a different name, please state the former name. Please go to question 5									
3.	If the applicant is a Company or other corporate body please give the following information:-									
	(a) The name of the Applicant?	/								
	(b) Where is the Applicant registered?									
	(c) What is the registered number of the Applicant?									
	(d) Has the Applicant previously been known by any and if so what name?									
	(e) Has the Applicant:									
	<ul style="list-style-type: none"> • Ever been convicted of a criminal offence? • Ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked? • Ever been served with a winding up petition? 									
		<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="padding: 5px;">YES</th> <th style="padding: 5px;">NO</th> </tr> </thead> <tbody> <tr> <td style="width: 30px; height: 20px;"></td> <td style="width: 30px; height: 20px;"></td> </tr> <tr> <td style="width: 30px; height: 20px;"></td> <td style="width: 30px; height: 20px;"></td> </tr> <tr> <td style="width: 30px; height: 20px;"></td> <td style="width: 30px; height: 20px;"></td> </tr> </tbody> </table>	YES	NO						
YES	NO									
	If the answer to any of these questions is Yes, provide full details.									
	(f) What are the names of the Applicant's Directors.									

(g) Are there persons responsible for the management of the Applicant other than the Directors and the Company Secretary? If so, state their names.

(h) State the names of all persons with a shareholding greater than 10% in the Applicant.

(i) Is the Applicant a wholly owned subsidiary of another company or corporate body? If so state the name, place of registration and identity of its Directors and Company Secretary.

Please go to question 5

4. If the applicant is a partnership or other unincorporated body please give the following information:-

(a) The name of the Applicant.

(b) The name of the Applicant's partners.

(c) Are there persons responsible for the management of the Applicant other than the partners? If so, state their names

(e) Has the Applicant ever had a grant or renewal of a sex establishment licence refused or a sex establishment licence revoked?

YES

NO

If the answer is Yes, provide full details.

Please go to question 5

5. Does the Applicant have a trading name different from that given in answer to questions 2, 3 or 4 above?

If so, state the trading name.

PLAYERS

6. What is the Applicant's trading address?

57, High Street
Maidstone
Kent ME14 1SY

7.

YES

NO

Will the business for which a licence is sought be carried on for the benefit of a person other than the Applicant?



If the answer is Yes, state the name of such person(s). If such person(s) are a company or other corporate body state their place of registration and registered number, and the identity of all Directors, the Company Secretary, and those with a greater than 10% shareholding.

8.

Does the Applicant operate any other sex establishments, whether licensed or not?

If so, state the name, address and type of sex establishment (e.g. sex cinema, sex shop, sexual entertainment venue) of each.

No

9.

YES

NO

For each of the individuals named in the answers to Questions 2, 3, 4, 7 and 8, please confirm that the form at Annex A to this application has been completed and submitted as part of this application.

YES

B. THE PREMISES, VEHICLE VESSEL OR STALL TO BE THE SUBJECT OF A LICENCE

10. Is the application in respect of:-

(a) Premises	PLAYERS GENTLEMEN'S CLUB 57, HIGH STREET, MAIDSTONE ME14 1SY
(b) Vehicle	
(c) Vessel	
(d) Stall	

11. Answer only where the application is for a vehicle, vessel or stall

Where is it proposed to use the vehicle, vessel or stall?

N/A

12. Answer only where the application is for a premises

What is the full address of the premises for which a licence is sought?

PLAYERS GENTLEMEN'S CLUB
57, HIGH STREET, MAIDSTONE, ME14 1SY

13.

YES NO

(a) Is the whole of the premises to be used as a sex establishment?

(b) If not, state the use of the remainder of the premises

N/A

(c) State the names of those who are responsible for managing the remainder of the premises.

N/A

14.

(a) State the nature of the Applicant's interest in the premises, vehicle, vessel or stall, e.g. owner, lessee, sub-lessee.

LESSEE AND GUARANTOR

(b) If the Applicant is a lessee or sub-lessee, state:

(i) the name and address of the landlord;

ADMIRAL TAVERN'S NEVADA PROPERTIES LTD
150, ALDERSGATE STREET
LONDON EC1A 4EJ

(ii) the name and address of the superior landlord (if any);

N/A

(iii) the amount of the annual rental;

£30,000 + VAT

(iv) the length of the unexpired term

5 YEARS

(v) the length of notice required to terminate the tenancy.

28 days

15

(a) State the current use of the premises.

Gentleman's Club

(b) Is there a planning permission for the use of the premises, vehicle, vessel or stall as a sex establishment?

YES	NO
✓	

(c) If so, state the date of the planning permission.

Existing use established more than 10 years ago

(d) If not, state whether and why the use as a sex establishment is lawful, e.g. because there is a certificate of lawful use, giving full details.

Premises have been licensed for about 30 years for leisure purposes

16

(a) Are the premises, vehicle, vessel or stall licensed under any other Act, e.g. the Licensing Act 2003? Provide full details including the name of any Designated Premises Supervisor.

Licensing Act 2003

(b) Does the Applicant intend to obtain a licence under any other Act or to apply to vary any existing licence under any other Act? If so, provide full details.

YES	NO
	✓

(c) Does the Applicant intend to operate the sex establishment in conjunction with any other licence? If so, provide full details.

Premises licence

17.

- a) Is each customer access to the premises, vehicle, vessel or stall:
- Directly from the street or a public thoroughfare?
 - From other premises? If so where from.

Directly from the street

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

if from other premises, provide full details.

- (b) Is each customer access from the street to be supervised at all times the premises are open to the public? N/A

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

If the answer is No give full details of proposed door control and supervision.

- (c) State whether all door supervisors are to be licensed with the Security Industry Authority.

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

18.

- Are the premises, vehicle, vessel or stall so constructed or adapted and laid out as to permit access to, from and within the premises (including WC facilities) for members of the public who are disabled?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

If the answer is No, state the Applicant's proposals for affording such access.

Anyone who is disabled is advised by door staff that the premises are a listed building and that if they require use of toilet facilities they can be lifted manually up the stairs. This has been ongoing for many years and was known about when the crime application was made.

19.

- (a) Are the premises, vehicle, vessel or stall being used as a sex establishment at the date of this application?

YES	NO
<input checked="" type="checkbox"/>	<input type="checkbox"/>

- (b) If the answer is yes, state the name and address of the person or body now operating the business.

C. THE BUSINESS

20.

Under what name will the business be known?

PLAYER'S GENTLEMEN'S CLUB

21.

Is the application in respect of:

a. A sex shop?

h. A sex cinema?

c. A sexual entertainment venue?

22.

Has the Applicant entered into any agreement (whether written or oral) in connection with the business, other than a tenancy agreement or lease, for example, a management agreement, partnership agreement or profit share arrangement? If so, provide full details together with a copy of any such agreement.

No

23.

Give the name and addresses of any lenders, mortgagees or others providing finance with the full terms of such agreements.

N/A

24.

Is the business required to purchase merchandise from a particular person or body? If so provide full details.

N/A

D. MANAGEMENT OF THE BUSINESS

25.

(a) State the identity of the person who will be responsible for the day to day management of the business at the premises, vehicle, vessel or stall ('the Manager').

EMMA SEXTON

(b) Confirm that the Manager will be based at the premises, vehicle, vessel or stall and that management of the business there will be his/her sole and exclusive occupation.

CONFIRMED

(c) Which person(s) will be responsible for the day to day management of the business in the absence of the Manager ('the Relief Manager(s)')?

BENJAMIN WILLIAMS

(d) Confirm that the Relief Manager(s) or one of them will be based at the premises full-time in the absence of the Manager.

CONFIRMED

(e) For each of the Manager and Relief Manager(s), confirm that the form at Annex A to this application has been completed and submitted as part of this application.

CONFIRMED - SEE ATTACHED

26.

This question need not be answered in the case of renewals

Give details of the times during which it is proposed to open the business.

Days of the week **MONDAYS to SUNDAYS**

Hours of the day **20.35 - 02.00 and on New Year's Eve
20.35 ~~20.35~~ - 03.00**

27

State proposals in respect of exterior signage and advertising, including the nature, content and size of such signage, and any images to be used.
Please note that a plan of the exterior showing such signage and advertising is required to be submitted with this application.

Existing signage has been approved when the licence was granted on 1st May 2012. Windows are blacked out so that the interior cannot be seen. There is no change to the documentation previously lodged.

28.

(1) What steps are to be taken to prevent the interior of the premises being visible to passers-by?

Windows are obscured and there is a closed lobby as customers enter preventing the door from the lobby being open at the same time as the entrance door

(2) What if any window displays are to be exhibited? Please indicate the size and nature of any intended display.

None

29.

State any proposals for solicitation of business in public areas, e.g. through fliers, business cards, billboard advertising, personal solicitation or advertising on motor vehicles.

Bill boards as agreed with the council in Bank Street and fliers as agreed with the council

30.

State what age restrictions are to be applied in respect of admissions, and how are these to be enforced. In answering, state what forms of identity will be accepted and whether it is proposed to use electronic identification systems. For sex shops provide details of arrangements for preventing proxy sales.

No person under the age of 18 is admitted to the premises. Driving licence, Passport or PASS approved card. It is not proposed to use electronic identification systems

31.

State the arrangements for CCTV and for retention of recordings.

In answering, state whether all public areas are to be covered by CCTV at all times the business is open and whether the feed from all cameras will be recorded

Existing conditions apply, the CCTV is in operation throughout the opening hours of the premises. Recordings are kept for 3 days.

Answer only where the application is for a sexual entertainment venue

(1) State whether the proposal is for full nudity.

YES	NO
✓	

(2) Give full details of the nature of the entertainment, e.g. lap- dancing, pole dancing, stage strip-tease.

Lap Dancing, Pole Dancing, performance dancing in dance area (set aside for performers - no stage) and strip-tease

(3) State what if any separation between performers and audience is proposed, e.g. performers on stage, 1 metre, no contact or full contact.

As per conditions on existing licence

(4) State whether arrangements are proposed for private booths or areas. If so, provide full details, including proposals for supervision of such areas.

There is CCTV coverage which is permanently monitored whilst the premises operate. There are no private booths - the licence conditions cover the operation of the private room upstairs

33.

This question need not be answered in the case of renewals

(1) State proposals for preventing nuisance to residents and businesses in the locality.

(2) State proposals for promoting public safety

(3) State proposals for preventing crime or disorder

(4) State proposals for protecting children from harm

(5) Set out the Applicant's system for checking the age and right to work in the UK for all employees.

6) For sexual entertainment venues, set out the system for training all staff in the Code of Practice for performers, and for monitoring and enforcing compliance.

Note, the Code of Practice must be attached to this form.

See Operating Manual Attached

(7) For sexual entertainment venues, set out the system for notifying customers of the Rules for Customers, and for monitoring and enforcing compliance.

Note, the Rules for Customers must be attached to this form.

See Operating Manual Attached

(8) For sexual entertainment venues, set out the system for monitoring compliance with the venue's Policy for Welfare of Performers.

Note, the Policy for Welfare of Performers must be attached to this form.

See Operating Manual Attached

34

Set out any further information which you wish the authority to take into account. Include here any proposed conditions (you may attach a schedule of such conditions) or any reason relied upon to provide an exception to the authority's Sex Establishment Licensing Policy.

The Applicant proposes that the current conditions of the licence continue to apply.

35

Is there any information on this form which you do not wish to be seen by members of the public? If so, state which information and the reasons why you do not wish it to be seen.

APPLICANT CONTACT DETAILS

Please give the contact details which you would like used for the purposes of this application

Name

Organisation
Address
Telephone Number
Mobile Number
Fax Number
E-mail address

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE GRANT, RENEWAL OR TRANSFER OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

F. SIGNATURE AND DECLARATION


The following declaration must be signed in all cases:

- a. If the Applicant is an individual, by that individual;
- b. If the Applicant is a partnership, by all individuals who are partners;
- c. If the Applicant is a company, by a director or the company secretary;
- d. In any other case, by a duly authorised officer of the Applicant.

Should the information provided in relation to this application form cease to be correct, or if there are any changes in the information provided in the application form between the date the application is submitted and the date it is determined, the Applicant must advise the licensing authority immediately. Failure to do **SO** may result in any licence issued being revoked.

I/we certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/we agree to notify the Council should any of the information given in this application change.

Name	Emma Louise Sexton
Position in organisation	DPS and Manager
Date	7 th April 2015
Signature	
Name	
Position in organisation	
Date	
Signature	
Name	
Position in organisation	
Date	
Signature	
Name	
Position in organisation	
Date	
Signature	
Name	
Position in organisation	
Date	
Signature	

THIS APPLICATION SHOULD BE COMPLETED IN FULL AND RETURNED TO THE LICENSING DEPARTMENT, MAIDSTONE BOROUGH COUNCIL, MAIDSTONE HOUSE, KING STREET, MAIDSTONE, KENT, ME15 6JQ.

PLEASE NOTE THAT THE APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:-

1. In respect of individual applicant and each of those named in response to Questions 3, 4, and 7, a birth certificate.
2. 1 copy of a passport size photograph in respect of the applicant (if an individual) and each of those whose names appear in response to Questions 3, 4, and 7. The photographs are to be dated, bear the name in block capitals of the person whose likeness it bears, and be signed by the person making the above Declaration.
3. All Annex A forms relevant to the application.
4. The Annex B form and all the required documents included – this form applies to new applications only.
5. The fee of **£4000** for a new application or **£2000** for a renewal or transfer application. A refund less Council costs will be made where an application is refused.

ANNEX A

If so, provide full details.

4. Have you ever been convicted of a criminal offence (for relevant offences please see the guidance at page 4) , whether in the United Kingdom or elsewhere?
If so, provide details of the date, convicting court, offence and penalty imposed.

YES	NO
	✓

5. To your knowledge are you currently the subject of any criminal investigation?
If so, provide full details.

YES	NO
	✓

6. Have you ever had any civil legal action taken against you?
If so, provide full details.

YES	NO
	✓

7. Have you ever been declared bankrupt or entered into an arrangement with creditors or an Individual Voluntary Arrangement?
If so, provide full details.

YES	NO
	✓

8. Have you ever been disqualified from acting as a company director?
If so, provide full details.

YES	NO
	✓

8. Is there any other information which you believe the licensing authority would reasonably expect notice of or you would like the licensing authority to take into account when considering the information you have supplied?
If so, provide full details.

YES	NO

I have 3 years experience in the sex industry and for the past 3 years have been the Disc Jockey at Play-ns

Is there any information in this Annex which you do not wish to be seen by members of the public?

My private details

If so, state which information and the reasons why you do not wish it to be seen

YES	NO

I DECLARE THAT THE INFORMATION ON THIS FORM IS TRUE AND COMPLETE

Signature

[Redacted Signature]

Dated:

07/04/15

Convictions To Be Declared In Respect Of Applications for Sex Establishment Licence

If you have been convicted of any of the following offences and they are "unspent" they must be declared on the application form:-

- Sexual offences.
- Offences involving obscenity, violence or dishonesty.
- An offence involving the use, possession or supply of any drug.
- Any breach of requirements of Local Government (Miscellaneous Provisions) Act 1982 schedule 3 as amended.
- An attempt, incitement or conspiracy to commit any of the above offences.

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note it is from the date of **conviction** that the time commences. The periods of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974", available for reference at the Licensing Authority or from a solicitor.

Sentence.

Rehabilitation Period.

2½ years (30 months) imprisonment and over whether sentence suspended or not.	Never spent.
Imprisonment or detention in a young offender institution (previously known as youth custody) between six months and 30 months whether sentence was suspended or not.	Ten years.
Imprisonment or detention in a young offender institution (previously known as youth custody) of six months or less whether sentence was suspended or not.	Seven years.
A fine, compensation or community service order.	Five years.
Conditional discharge, bound over or probation order. Also includes fit person, supervision and care orders.	One year or period of probation sentence, whichever is longer?
Absolute discharge.	Six months.
Disqualification, disability or prohibition.	Period of sentence unless a longer period as above (e.g., disqualification and a fine 5 Years)
Remand Home/Approved School/Attendance Centre Orders.	One year after Order expires.
Hospital Order under Mental Health Acts.	5 years, or two and a half years after the order expires (whichever is the longer).

Offences under HM Services - please enquire at the Licensing Authority for periods of rehabilitation.

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I/we certify to the best of my/our knowledge and belief that the information given in this application is complete and correct in every respect.

I/we agree to notify the Council should any of the information given in this application change.

Name	Benjamin Williams
Position in organisation	Assistant Manager
Date	7th April 2015
Signature	

Name	
Position in organisation	
Date	
Signature	

Name	
Position in organisation	
Date	
Signature	

Name	
Position in organisation	
Date	
Signature	

Name	
Position in organisation	
Date	
Signature	

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ANNEX A

If so, provide full details.					
4. Have you ever been convicted of a criminal offence (for relevant offences please see the guidance at page 4) , whether in the United Kingdom or elsewhere? If so, provide details of the date, convicting court, offence and penalty imposed.	<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="padding: 2px 5px;">YES</th> <th style="padding: 2px 5px;">NO</th> </tr> </thead> <tbody> <tr> <td style="width: 50px; height: 20px;"></td> <td style="width: 50px; height: 20px; text-align: center;">✓</td> </tr> </tbody> </table>	YES	NO		✓
YES	NO				
	✓				
5. To your knowledge are you currently the subject of any criminal investigation? If so, provide full details.	<table border="1" style="margin: auto; border-collapse: collapse;"> <thead> <tr style="background-color: #cccccc;"> <th style="padding: 2px 5px;">YES</th> <th style="padding: 2px 5px;">NO</th> </tr> </thead> <tbody> <tr> <td style="width: 50px; height: 20px;"></td> <td style="width: 50px; height: 20px; text-align: center;">✓</td> </tr> </tbody> </table>	YES	NO		✓
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	✓				
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YES	NO				
	✓				
Is there any information in this Annex which you do not wish to be seen by members of the public?					

If so, state which information and the reasons why you do not wish it to be seen

YES	NO

I DECLARE THAT THE INFORMATION ON THIS FORM IS TRUE AND COMPLETE

Signed: _____

Dated: 7-4-2015

Convictions To Be Declared In Respect Of Applications for Sex Establishment Licence

If you have been convicted of any of the following offences and they are "unspent" they must be declared on the application form:-

- Sexual offences.
- Offences involving obscenity, violence or dishonesty.
- An offence involving the use, possession or supply of any drug.
- Any breach of requirements of Local Government (Miscellaneous Provisions) Act 1982 schedule 3 as amended.
- An attempt, incitement or conspiracy to commit any of the above offences.

The Rehabilitation of Offenders Act 1974 provides that after a certain period of time, convictions for offences are to be regarded as "spent". Set out below are some examples of when convictions become "spent". Please note it is from the date of **conviction** that the time commences. The periods of time which must elapse in other cases before the conviction becomes "spent" may vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may, for example, be extended by the commission of a further offence during the rehabilitation period.

Further guidance on this may be obtained from the Home Office publication "A Guide to the Rehabilitation of Offenders Act 1974", available for reference at the Licensing Authority or from a solicitor.

Sentence.

2½ years (30 months) imprisonment and over whether sentence suspended or not.

Imprisonment or detention in a young offender institution (previously known as youth custody) between six months and 30 months whether sentence was suspended or not.

Imprisonment or detention in a young offender institution (previously known as youth custody) of six months or less whether sentence was suspended or not.

A fine, compensation or community service order.

Conditional discharge, bound over or probation order. Also includes fit person, supervision and care orders.

Absolute discharge.

Disqualification, disability or prohibition.

Remand Home/Approved School/Attendance Centre Orders.

Hospital Order under Mental Health Acts.

Rehabilitation Period.

Never spent.

Ten years.

Seven years.

Five years.

One year or period of probation sentence, whichever is longer?

Six months.

Period of sentence unless a longer period as above (e.g., disqualification and a fine 5 Years)

One year after Order expires.

5 years, or two and a half years after the order expires (whichever is the longer).

Offences under HM Services - please enquire at the Licensing Authority for periods of rehabilitation.

ANNEX B

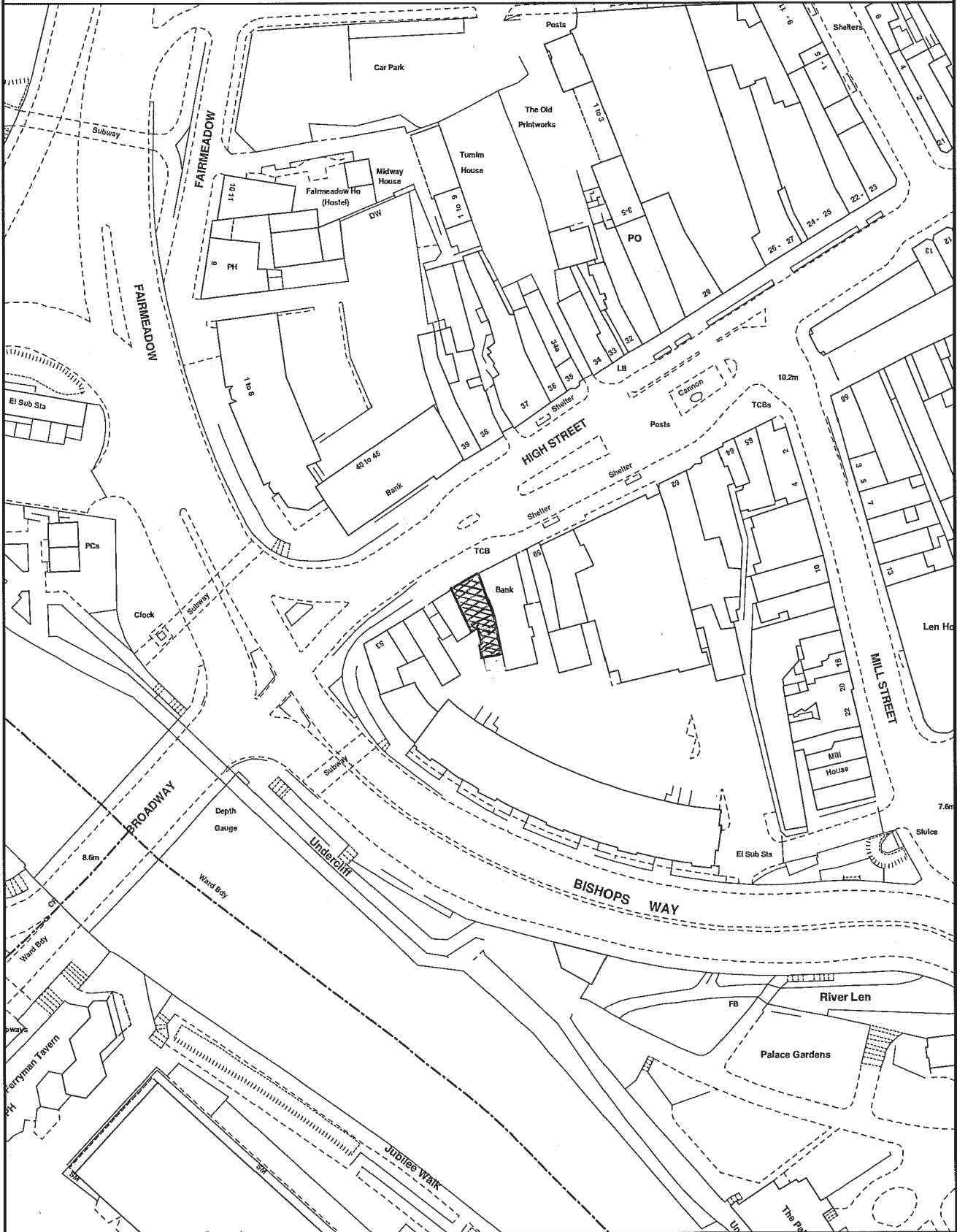
(This form only needs to be completed if this is for a new application not a renewal or transfer application)

Site plan requirements:	YES	NO
<p>1. A site plan of radius of ¼ of a mile (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue marking the site/premises boundary with a red line and define other types of businesses and residential properties around the site as listed below:-</p> <ul style="list-style-type: none"> • Establishments whose patrons are likely to be adversely affected by the operation of the premises • The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people • The proximity of educational establishments to the premises • The proximity of places of worship to the premises • Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises • The proximity to shopping centres • The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive) • The proximity to conservation areas, historic buildings and tourist attractions • The proximity of other sex establishments 		
2. Drawings showing the front elevation as existing.		
3. Drawings showing the front elevation as proposed Including proposed signage, advertising and window display		
Documents to be included with the application:	YES	NO
4. Planning permission		
5. Certificate of lawful use or development		
6. If the Applicant is a company, copies of the Memorandum and Articles of Association of the Company.		
7. If the Applicant is a partnership, a certified copy of the Partnership Deed		
8. A copy of any of other licences for the premises, vehicle, vessel or stall.		
9. Code of Practice for Performers.		
10. Rules for Customers		

11. Policy for Welfare of Performers		
Scale layout plan of the premises (scale 1:100). Requirements for layout plan must show:		YES NO
(1) The layout of the premises including, e.g., stage, bars, cloakroom, WCs, performance area, dressing rooms.		
(2) The extent of the licensed areas outlined in red		
(3) The extent of the public areas outlined in blue.		
(4) Uses of different areas in the premises, e.g. performance areas, reception.		
(5) Structures or objects (including furniture) which may impact on the ability of individuals to use exits or escape routes without impediment		
(6) Location of points of access to and egress from the premises.		
(7) Any parts used in common with other premises. Including parts within a licensing Act 2003 licensed area		
(8) Position of CCTV cameras.		
(9) Where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor.		
(10) Where the premises includes any steps, stairs, elevators or lifts, the location of the same.		
(11) The location of any public conveniences, including disabled WCs.		
(12) The position of any ramps, lifts or other facilities for the benefit of disabled people.		
(13) Any level changes at the entrance to or within public parts of the premises which may be inaccessible to disabled people.		
(14) The location and type of any fire safety and any other safety equipment.		
(15) The location of any kitchen on the premises.		
(16) The location of emergency exits.		
Plans may be considered in other scales by prior agreement with the licensing authority.		
Documents evidencing public notice and service		YES NO
1. Complete copy of newspaper circulating in the area of the authority, containing advertisement of this application (A Blank template is provided with the application form as Annex C)	✓	
2. Copy of notice of application displayed on or near the premises. (A Blank template is provided with the application form as Annex C)	✓	

3. Copy of affidavit or statutory declaration that notice has been displayed as required by Schedule 3 paragraph 10(10) Local Government (Miscellaneous Provisions) Act 1982		
4. Evidence of service of this application form and all enclosures upon Chief Officer of Police at Maidstone Police Station, Palace Avenue, Maidstone, Kent, ME15 6NF within 7 days after the date of this application	✓	
Note, when the application is made electronically, including all enclosures, the licensing authority will serve the chief officer of police.		

**PLAYERS, 57 HIGH STREET,
MAIDSTONE, KENT, ME14 1SY**



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LICENSING COMMITTEE

11th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Draft Statement of Licensing Policy for Consultation

Final Decision-Maker	Licensing Committee
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Lorraine Neale
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

The Committee is asked to:

1. Approve the form of the draft Statement of Licensing attached as Appendix B for consultation.
2. Approve the consultation process and period as set out in the plan attached at Appendix C.
3. Receive a further report setting out the responses to the consultation and the final draft policy for approval and referral to full council before January 2016.

This report relates to the following corporate priorities:

- Great People
- Great Place
- Great Opportunity

Meeting	Date
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

Draft Statement of Licensing Policy for Consultation

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Licensing Act 2003 requires that, at least every 5 years, the Council publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply when exercising its licensing functions under the Act.
- 1.2 This report provides Members with information and guidance on a new draft 'Statement of Licensing Policy', which requires Member approval for public consultation.
- 1.3 Since the last revision to the statement of Licensing Policy in 2010 (attached as Appendix A) there have been a number of changes as a result of wide ranging reforms to the Licensing Act 2003. In light of those amendments, this new draft policy forms a secure foundation on which to determine applications in a way that clearly promotes the licensing objectives.
- 1.4 Before the policy can be finally approved for adoption by Council, consultation must take place in order for Members to give appropriate weight to the views of those persons/bodies which it is required to consult.

2. INTRODUCTION AND BACKGROUND

- 2.1 In its role as the Licensing Authority under the Licensing Act 2003, the Council has a duty to prepare, and keep under review its Statement of Licensing Policy. This sets out how the authority approaches its responsibilities under the Act. There have been a range of legislative and other changes that necessitate revision of this policy and the statutory requirement to review our policy every five years is now due.
- 2.2 Section 5 of the Licensing Act 2003 (the Act) states that –

*"5 (1) each Licensing Authority must in respect of each 5 year period
(a) Determine its policy with respect to the exercise of its licensing functions and;
(b) Publish a statement of that policy before the beginning of that period."*
- 2.3 Underpinning this obligation are the four statutory Licensing Objectives, which must be promoted in carrying out the authority's licensing functions. These are:
 - Prevention of Crime and Disorder
 - Public Safety

- Prevention of Public Nuisance
 - Protection of Children from Harm
- 2.4 Equal weight is given to all four Licensing Objectives and the policy must seek to secure the promotion of those objectives throughout the licensing process.
- 2.5 The current Statement of Licensing Policy was published by this Council in January 2011. At that time the statutory maximum review period was 3 years. Section 122 of the Police Reform and Social Responsibility Act 2011 has now amended this to every 5 years. The current policy has not had a major review since 2003, as the previous 3 yearly reviews have resulted in minor changes only.
- 2.6 The existing policy has been reviewed in regard to its application, suitability and effectiveness since the implementation of the Act in 2003 and with the benefit of a decade of experience. The current policy has provided a robust basis for the consideration and determination of applications and enforcement activity.
- 2.7 Since the current policy was approved there have been a number of amendments to the Licensing Act 2003. The Police Reform and Social Responsibility Act 2011 introduced the power to implement Early Morning Alcohol Restriction Orders (EMARO's). This allows Licensing Authorities to set an end time for the sale of alcohol between midnight and 6am at all or specific locations within the district, on all days or certain days of the week or year. If a licensing authority introduces an EMARO, it will apply to all Premises, Clubs and Temporary Events Notices that operate within the specified EMARO period. Licensing Authorities are required to advertise the proposal to make the EMARO and demonstrate that they have evidence to justify doing so, as well as considering any representations at a hearing, before its introduction.
- 2.8 In addition, The Police Reform and Social Responsibility Act 2011 provides some new initiatives such as the Late Night Levy (LNL). If introduced, the LNL allows Licensing Authorities to charge an additional levy to all alcohol licensed premises who wish to open at specified times after midnight and before 6 am. A minimum of 70% of that income which is collected by the Licensing Authority, after administration costs, goes to the Police Authority to spend as they determine and up to 30% to the authority to spend on specified purposes. There can be permitted exemption categories and categories for reduction of levy amount.
- 2.9 The Live Music Act 2012 and other legislative amendments up to as recently as 6 April 2015 have amended some categories of regulated entertainment under the Licensing Act 2003. Many activities which were originally licensable no longer require a licence within certain time, place and audience limits.

- 2.10 The Government consulted from 13 February to 10 April 2014 on a proposal to set licensing fees locally. The Government after considering the responses decided not to introduce locally-set licensing fees at the present time. Instead local government was invited to provide evidence of its costs before proceeding.
- 2.11 The policy in its current format does not reflect the Licensing Authority's approach to the new initiatives or legislative changes for example the new Temporary Events Notice (TENs) processes for late applications and changes to the limits on numbers etc. or relaxation of the Designated Premises Supervisor requirement in community premises. The policy therefore needs to be updated to support decisions on all applications heard by a Licensing Sub-Committee relevant to the aforementioned changes.
- 2.12 The policy should provide greater clarity to applicants and other parties to enhance the application process, to create efficiencies, manage and demonstrate expectations. It should ensure that applicants have a clear understanding of the impacts of the proposed activities of their licensed business on others and what they need to do to promote the positive impacts and mitigate any detrimental impacts through their operating schedules and self-imposed licence conditions.
- 2.13 The Licensing Authority must have regard to the statutory guidance issued under Section 182 of the Licensing Act 2003, when drafting its policy. The latest version was issued by the Home Office in March 2015 has been referred to during the drafting of this policy.
- 2.14 Further, the Regulator's Code which came into force on 6 April 2014, places a duty on all Local Authorities to have regard to that Code when developing policies or operational procedures, setting standards and giving guidance in relation to Licensing Act 2003 functions. There should be a 'risk and evidence' based approach to the regulatory activity which has been incorporated into the draft policy.
- 2.15 In preparing this draft policy it was considered that in view of changes and current updating requirements mentioned above, the policy needed to be a completely revised document rather than simply including amendments to the existing policy.
- 2.16 Whilst the Licensing Act 2003 now requires a statutory review after 5 years, this does not prevent the Authority from carrying out a review before the end of the 5 year period and it remains good practice to keep any policy under continuous review.

A summary of the new draft policy aims

The following paragraphs summarise the key points of the new policy:

- 2.17 Providing advice to licensed individuals and businesses and the members of the public to improve knowledge and understanding of the Act; together with the options available to businesses and residents concerned with applications relating to licences, variations and reviews.

- 2.18 Improved detail on what the Licensing Authority expects from the different types of licensed premises on managing their business activities, licence applications and operating schedules, in order to promote the licensing objectives.
- 2.19 Recognising the introduction of the Live Music Act 2012 is intended to promote an increase in live music venues whilst at the same time maintaining a balance to protect residents.
- 2.20 Detailing the Authority's current position on Late Night Levies (LNL), Early Morning Alcohol Restriction Orders (EMARO's) and Cumulative Impact (CI) whilst allowing flexibility in approach should the Council's approach need to be reconsidered in the future.
- 2.21 Greater clarity on the position for bona fide private members' clubs ,in relation to licensing following enforcement and non compliance issues in particular to tackle access by non-members to club facilities and concerns over club status.
- 2.22 Clarity on the application process for all licence types including the Authority's approach to suspension of licences/certificates for non payment of annual premises licence fees.
- 2.23 Clarity on the reviews process, following a rise in applications in order to support validation of review applications and the decision making process to prevent frivolous applications. Also to ensure those premises failing to promote the Licensing Objectives are dealt with appropriately.
- 2.24 Clarity on the Authority's stance in relation to applications to remove a Designated Premises Supervisor (DPS) from community premises licensed for alcohol sales, to allow the sales to be authorised by a management committee. This is to ensure that alcohol sales are responsibly managed in community premises following a relaxation of the requirement to have a DPS.
- 2.25 Clarity and advice on the appropriateness, proportionality, purpose and requirements for clear and enforceable conditions to promote all of the Licensing Objectives. This will ensure anyone managing or working at premises understands the conditions attached to the premises licence or club premises certificate. It will also aid those affected if breaches occur and will assist effective enforcement by the Licensing Authority.
- 2.26 Setting out changes to the process for serving Temporary Event Notices (TENs) and the inclusion of Environmental Health as a statutory consultee to improve the knowledge of persons serving TENs indicating the Authority's expectations of them to promote the Licensing Objectives at their temporary event.
- 2.27 The provision of gaming machines and gaming in licensed premises will be set out to ensure that licence holders and staff understand the limitations and requirements on gambling and gaming in alcohol licensed premises.

3. AVAILABLE OPTIONS

- 3.1 The Council could choose not to review and agree a revised policy but a failure to adopt a revised policy in early 2016 would be in breach of statutory requirement and put the authority at risk of legal challenge to decisions made under an out of date policy.
- 3.2 In any event the current policy does not reflect the impacts of the amendments to legislation and requires updating to support the licensing decision making process

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The authority needs to revise the current policy to ensure coverage of the changes in the legislation and to set out how the Authority intends to approach its licensing responsibilities ;in particular what it expects from management of different types of licensed premises in their business activities and how they intend to promote the four licensing objectives.

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

By being open and transparent in the approach taken in administering the licensing regime the public can see the efficiency of the service and have confidence in the decision making process.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The Act sets out a list of statutory consultees and also makes provision for other persons/bodies to be consulted as necessary and as requested (See Appendix C)

The statutory consultees are:-

- The chief officer of police for the Licensing Authority's area,
- The fire and rescue authority,
- Such persons as the Licensing Authority considers to be representative of holders of premises licences issued by the Authority
- Such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by the Authority
- Such persons as the Licensing Authority considers to be representative of holders of personal licences issued by the Authority

- Such persons as the Licensing Authority consider being representative of businesses and residents in its area.

5.2 The Draft Policy will be placed on the council website and any other person who wishes to be consulted will be provided with a link to the documents or sent hard copies where that is preferred.

5.3 In line with the Revised Code of Practice and the Cabinet Office Guidance on consultations by the public sector the public consultation will take place for a period of 3 months following approval by the Licensing Committee for consultation to be commenced. At the end of that consultation period the responses will be considered and the policy amended where necessary to reflect those responses. The revised policy will then be considered by the Licensing Committee for approval and referral for adoption by full council.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Contained in the body of the report	[Head of Service or Manager]
Risk Management	Contained in the body of the report	[Head of Service or Manager]
Financial	None identified	[Section 151 Officer & Finance Team]
Staffing		[Head of Service]
Legal	Noted within the report	[Legal Team]
Equality Impact Needs Assessment		[Policy & Information Manager]
Environmental/Sustainable Development		[Head of Service or Manager]
Community Safety	Noted in the report	[Head of Service or Manager]
Human Rights Act		[Head of Service or Manager]
Procurement		[Head of Service & Section 151]

		Officer]
Asset Management		[Head of Service & Manager]

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

Appendix A - Current Statement of Licensing Policy

Appendix B - Draft Statement of Licensing Policy

Appendix C – Consultation

8. BACKGROUND PAPERS

Section 182 Guidance -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf.



**STATEMENT OF
LICENSING POLICY
LICENSING ACT 2003
AUGUST 2010**

**For the period ending 6 January 2014
Version 1.0**

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LICENSING ACT 2003: LICENSING POLICY, MAIDSTONE BOROUGH COUNCIL

1. Introduction

This is Maidstone Borough Council's second review of its statement of licensing policy. Section 5 of the Licensing Act 2003 (the Act) requires each licensing authority to publish a statement of its licensing policy every three years.

The policy as amended by this second review will come into force from January 7 2011. The licensing authority will review, update or modify it as necessary. This may be necessary following the ongoing review of the Licensing Act 2003 by Government.

Unless otherwise stated any reference in this document to "the Council" is to the Maidstone Borough Council as the licensing authority. The provision of the licensing service is done in Partnership with Sevenoaks District Council and Tunbridge Wells Borough Council.

Maidstone is the County Town of Kent situated in the heart of the "Garden of England". Maidstone Borough includes a variety of picturesque rural villages. Maidstone Town has a vibrant retail centre, historic attractions and is a popular visitor destination with a busy day, evening and night time economy, and many cultural and leisure activities.

There are 530 businesses associated with the Licensing Act provisions. This includes Leeds Castle which holds cultural events and evening concerts during the summer months, the Lockmeadow Leisure Complex providing multi-screen cinema, restaurants and night-clubs, the Hazlitt Theatre and Exchange Complex, the County Agricultural Showground at Detling and many premises such as restaurants, hotels, public houses, village halls and community centres in the rural area.

Tourism along with economic development works to deliver the Council's key priority of prosperity, by attracting visitor expenditure to the local economy, by the promotion of Maidstone as an attractive location for inward investment and through support for existing and start-up tourism businesses. This works in partnership with the Council's priority of Quality Living by engendering community pride in Maidstone and improving the quality of life.

Maidstone has a population of 138,948 people (2001 census) comprised of the following:

Maidstone	no	%
Under 16	27234	19.6
16 to 19	6615	4.8
20 to 29	15976	11.5
30 to 59	60358	43.4
60 to 74	18586	13.4
75 and over	10179	7.3

Crime statistics for the year 2008/2009 show a violent crime rate of 14.8 of crimes per 1,000 people compared to 16.6 per 1000 nationally. For community safety it is important to state that its aim is to create safer communities in the Borough by reducing crime and disorder in a cost effective way, through involving the community and partnership working. In December 2006 the Council made Designation Orders under the provisions of the Criminal Justice and Police Act 2001 (as amended by the Licensing Act 2003) in relation to alcohol consumption in public places.

2. Executive Summary

Maidstone Borough Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshments. All applications for New Premises Licences or variations need to be supported by an operating schedule. The schedule must specify, amongst other things, the steps which the applicant proposes to promote each of the licensing objectives.

If no responsible Authority or interested party lodges an objection (relevant representation) to the application, the Council must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Act. The steps proposed by the applicant will become conditions of the licence. The Council will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.

Where there are relevant representations, then a hearing of the opposed application before the Licensing sub committee will normally follow. After the hearing the sub committee must take such steps as it considers necessary to promote the licensing objectives. These may

include refusing the application, or adding to or modifying the conditions proposed in the operating schedule.

In exercising its discretion the Licensing sub committee will have regard to representations from the Police or other responsible authorities/interested parties, the licensing objectives, central Government guidance issued under Section 182 of the Licensing Act 2003 (as revised), the Licensing Act 2003, this licensing policy, any supporting regulations and proper integration with the Council's strategies

This policy emphasises that consideration will be given to the individual merits of an application but the presumption would be to grant the hours requested unless there are specific objections to those hours raised by responsible Authorities or interested parties on the basis of the licensing objectives.

It is recognised that, in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that concentration of customers leaving premises simultaneously are avoided.

With regard to shops, stores and supermarkets the normal scenario for such premises is to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless representations raise very good reasons, based on the licensing objectives, for restricting those hours.

3. The Licensing Objectives

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

- 3.1 The prevention of crime and disorder.
- 3.2 Public safety.
- 3.3 The prevention of public nuisance.
- 3.4 The protection of children from harm.

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

4. Policy Objectives

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

- 4.1 Helping to build and maintain a prosperous society that properly balances the rights of individuals with the needs of business.
- 4.2 Integrating the policy aims and objectives with other initiatives, policies and strategies including culture, planning, transport, employment and crime and disorder reduction
- 4.3 Working to:-
- protect the well being of local residents
 - encourage young people to enjoy and take part in cultural activities
 - maintain a safe and family friendly environment in the Licensing Authority's administrative area
 - reduce crime and disorder
 - encourage tourism
 - encourage an early evening and night time economy which is viable and sustainable
 - reduce alcohol misuse
 - encourage employment
 - encourage the self sufficiency of local communities
 - reduce the burden of unnecessary regulation on business.
- 4.4 The Policy will seek to reflect local requirements and recognise the need to encourage and promote live music, dancing, theatre and other forms of entertainment for the wider cultural benefit of the Borough of Maidstone in general. Through consultation the Licensing Authority will monitor the impact of licensing on the provision of regulated entertainment, and particularly on live music and dancing.

5. **Licensing Act Guidance**

The Secretary of State for Culture, Media and Sport has produced guidance on the operation of the 2003 Act, the most recent being effective from March 2010. The Act does not compel the licensing authority to follow the guidance explicitly. The licensing authority may depart from the guidance and this policy if it needs to do so to promote the licensing objectives in a particular case. It will always give clear reasons for any such departure.

6. **Equality, Diversity and Race Relations**

In carrying out its licensing functions, including writing this policy, the licensing authority has regard to the Human Rights Act 1998, the requirement to promote racial equality, under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and to Section 17 of the Crime and Disorder Act 1998 and so far as may be possible the Local Crime Prevention Strategies formulated by the Crime and Disorder Reduction Partnership in the Council's area.

7. Relationship to the Planning Process

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

The Licensing Authority expects that any planning issues will generally be resolved before the licensing application is made.

Licensing applications will not be a rerun of the planning application and licensing decisions will not cut across decisions taken by the Planning Committee or permission granted on appeal. It should be noted that there is no legal basis for the Licensing Authority to refuse a licence application because it does not have planning permission.

Where appropriate, regular reports will be made to the Planning Committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

8. Development of this Policy

The Licensing Authority will give proper consideration to the views of all those who respond to consultation.

In reviewing this Policy Statement, the Council has consulted widely with the Chief Officer of Police for the area, the Fire & Rescue Authority for the area, persons/bodies representative of local holders of premises licences, persons/bodies representative of local holders of Club Premises Certificates, persons/bodies representative of local holders of Personal Licences and persons/bodies representative of businesses and residents in its area, along with the responsible authorities.

9. Ongoing Consultation

The Licensing Authority will continue to work with the Kent Police, the Kent and Medway Fire and Rescue Authority and other responsible Authorities, current licence holders and bodies representing them who have a stake in the leisure industry, bodies representing businesses and residents in the area and other local authorities in Kent to ensure that the licensing objectives are addressed as consistently as possible throughout the county. It will also strive to meet the needs of communities in its area in promoting

the four licensing objectives.

The Licensing Authority attends the Night Time Economy Business Forum to which all responsible authorities, licensees, trade members, and members of trade associations are invited on a regular basis.

Both the Head of Democratic Services and the Chief Officer of the Police responsible for the Borough, will make an annual joint report to the Council and the Licensing Committee on the operation of the Policy.

10. Partnership Working

As part of its overall Policy the Licensing Authority expects every holder of a licence, certificate or Temporary Event Notice to be responsible for minimizing any negative impact of their licensable activities and any anti-social behaviour by their patrons within the immediate vicinity of their premises.

Section 17 of the Crime and Disorder Act 1998 requires the Council to work in partnership with the Kent Police, and others, to consider crime and disorder reduction in the exercise of all their duties. The Licensing Act 2003 reinforces this duty. Holders of authorities under the Licensing Act 2003 should be aware that they may be responsible for the actions of their patrons if these are on their premises, directly outside or sufficiently close to the premises to have a direct causal link.

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

These may include:

- Partnership working with the Kent Police (and other agencies as appropriate) to promote enforcement of the law concerning disorder and antisocial behaviour, including the issuing of fixed penalty notices.
- Powers to designate parts of the borough area as places where alcohol may not be consumed publicly.

The Council were satisfied that nuisance or annoyance had been caused to the public or disorder caused, associated with the consumption of alcohol. The Orders provide the Police with the power to require consumption to cease and confiscate containers. The areas covered by the Orders included:-

Area 1 – Town Centre Maidstone
Area 2 – Snowdon Parade, Vinters Park
Area 3 – Mote Park, Maidstone
Area 4 – Northumberland Court, Maidstone
Area 5 – Cumberland Green, Maidstone
Area 6 – Barming Recreation Ground (also known as Barming Heath)
Area 7 – Parkwood Green, Maidstone

- Partnership working with businesses, transport operators and other parts of the Council to create a safe and clean environment.
- Working in partnership with landowners, licensees and other interested parties, to seek to maximise CCTV coverage and effective street lighting, incorporating any late night transport drop off points, and along transport routes.
- Development of strategic routes, including strategically positioned catering facilities and mobile sanitary accommodation where there are a number of premises grouped in an area and where the sum total of patrons generates a need.
- Partnership working with the police, landowners, premises owners, Designated Premises Supervisors and others to ensure that patrons and the public in both urban and rural areas are safe when moving by foot to, from and about licensed premises.

11. **Cumulative impact of a concentration of licensed premises**

The Licensing Authority will not take 'need' into account when considering an application, as this is a matter for the market and for development control. However, the cumulative impact of licensed premises on the promotion of the licensing objectives is a proper matter for the local authority to consider in its Policy. The cumulative impact of the number, type and density of premises, may lead to saturation of an area with premises of a certain type making them a focal point for large groups of people together leading to severe or chronic problems of public nuisance and anti social behaviour.

The licensing authority may consider the adoption of a **special saturation policy** of refusing new premises licences or club premises certificates and variations to them within a defined area or areas, unless there are exceptional circumstances where it has received a relevant representation about the impact of the application, if it is satisfied that it is appropriate and necessary to include such a policy in its Licensing Policy Statement. It will take

the decision only after it is satisfied that there is evidence to support such a decision.

Although the Licensing Authority does not consider that there is currently sufficient evidence to justify the adoption of a cumulative impact policy, they, and responsible authorities collect information and statistical data on an ongoing basis and the authority will consider reviewing this policy should evidence indicate this to be necessary.

The Licensing Authority will take the following steps in considering whether to adopt a special policy:

- Identify concern about crime and disorder or public nuisance;
- Consider whether there is good evidence that crime and disorder or nuisance are happening and are caused by the customers of licensed premises, or that the risk of cumulative impact is imminent;
- Identify the boundaries of the area where problems are occurring;
- Consult with those specified by section 5(3) of the 2003 Act, and subject to the outcome of the consultation;
- Subject to the consultation include and publish details of special policy in licensing policy statement.

The effect of adopting a special policy of this kind is to create a rebuttable presumption that applications for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, following relevant representations, unless the applicant can demonstrate in their operating schedule that there will be no negative cumulative impact on one or more of the licensing objectives.

Applicants would need to address the special saturation policy issues in their Operating Schedules in order to rebut such a presumption. Any special saturation policy will stress that the presumption does not relieve responsible authorities or interested parties of the need to make a relevant representation before the local authority may lawfully consider giving effect to its special policy.

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

The Licensing Authority must grant any application in a special saturation policy area in accordance with the operating schedule submitted by the applicant if it receives no relevant representation.

The Licensing Authority will review special saturation policies regularly to assess whether they are needed any longer or need expanding.

The absence of a special saturation policy does not prevent any responsible authority or interested party making evidence based relevant representations on a new application or variation for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

12. **Advice and Guidance**

The Licensing Authority, the Environmental Protection section of the Council, the Kent Police and Kent & Medway Fire and Rescue Service will offer as much advice and guidance to applicants as resources permit. Nevertheless applicants are advised to consult with them before submitting an application. If the Licensing Authority receives a representation from a responsible authority which is not satisfied with the steps set out in an operating schedule then the licensing authority may impose extra conditions at any hearing held to determine the application.

The Licensing Authority will also seek to liaise with applicants or mediate between applicants and those who make representations, to achieve a satisfactory outcome for all involved wherever possible and where resources permit. Where an applicant considers that representations may be likely or probable, it is recommended that the applicant discuss the proposal with the Licensing Authority and those from whom they think representations are likely prior to submitting their application. Once an application has been lodged, there are statutory timescales imposed upon the application and determination process, which restrict the opportunity for such discussions, liaison and mediation.

13. **Licences**

As the Licensing Authority, Maidstone Borough Council administers premises licences, personal licences, club premises certificates and temporary events notices relating to the sale of alcohol, regulated entertainment and late night refreshments. Regulated entertainment includes the following activities which a licensee provides to entertain an audience, a section of the public, or exclusively for the members of a qualifying club or their guests. The entertainment will be provided for payment or with a view of making a profit.

- a) A performance of a play
- b) An exhibition of a film (including recordings of sports matches and computer game graphics)
- c) An indoor sporting event
- d) Boxing or wrestling
- e) Provision of facilities for making music or dancing.
- f) A performance of dance.
- g) A performance of live music
- h) Playing of recorded music
- i) Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance

Late night refreshment means supplying hot food or drink to members of the public between 2300 and 0500 hours. The food may be eaten on or off the premises. Mobile units also need licences.

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

Where the licensing authority has the ability to do so under the Act, following the receipt of a relevant representation, each application will be considered on its individual merits as well as against the relevant policy and statutory framework. The Policy accepts the right of any interested person to make representations objecting to or in support of any application or seek a review of a licence or certificate where they are permitted to do so under the Act.

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

14. **Temporary Event Notices**

Certain temporary events involving up to 499 people are licensed by notifying the Licensing Authority and Police using the Temporary Event Notice procedure. Only the police can object to a Temporary Event Notice on the grounds of crime and disorder. However,

depending on the nature and location of such events, these can have serious implications on the Licensing Objectives. Organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

The Act requires that a minimum of 10 working days notice is given, but as guidance, the Licensing Authority considers and recommends that a reasonable period of notice for the service of a Temporary Event Notice is at least 28 days but not more than three months, prior to an event taking place. Some council departments have expertise in advising the organisers of temporary events in respect of issues such as crowd control and complex entertainment. Organisers may ask for this advice at the earliest possible opportunity by contacting the Licensing office.

A copy of the Temporary Event Notice must be submitted to the Police at Maidstone Police station, Palace Avenue, Maidstone, as well as notifying the Licensing Authority.

15. **Licensing Applications and the Application Process**

The Licensing Authority will welcome pre-application discussions which may help the decision making process

15.1 **The Application Process**

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

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

15.2 **Personal Licences**

All applicants for the grant of a personal licence will be required to undertake a criminal record check. Where a criminal record check discloses an unspent relevant conviction (see schedule 4 of the Act) and the Police object to the application on crime prevention grounds the Licensing Sub Committee will normally refuse such an application unless there are exceptional and compelling circumstances to justify

the granting of a licence.

15.3 Premises Licences

All applications for new premises licence or variations need to be supported by an operating schedule. The application form sets out the information which must be given in each application:

- a) Full details of the licensable activities to be carried on at and the intended use of the premises;
- b) The times during which the licensable activities will take place;
- c) Any other times when the premises are to be open to the public;
- d) Where the licence is only required for a limited period, that period;
- e) Where the licensable activities include the supply of alcohol the name and address of the individual to be specified as a designated premises supervisor;
- f) Whether alcohol will be supplied for consumption on or off the premises or both;
- g) Steps which the applicant proposes to promote the licensing objectives. The steps, which each applicant should consider carefully in completing the schedule, are set out in the headings for each licensing objective below (paragraph 18.2 onwards).

Amusement with prizes machines

- 15.4 The Gambling Act 2005 gives an automatic entitlement to two gaming machines for category C or D to the holders of a premises that are licensed for the sale of alcohol for consumption on the premises at a bar. The automatic entitlement may be rescinded under certain circumstances. Notification must be given to the Licensing Authority together with the appropriate fee. This notification will fail when the premises is transferred to another person or ceases to have effect. Under these circumstances a new notification must be given to the Licensing Authority and a fee paid.
- 15.5 Where the intention is to make more than 2 machines available for use, application must be made to the Licensing Authority. The Licensing Authority may restrict the number of machines on a premises if it appears that the licensing objectives under the Licensing Act 2003 or Gambling Act 2005 are not being promoted. An application fee and annual fee will need to be paid. However, this permit may be transferred with the premises licence.

Members' Clubs and Miners' Welfare Institutes may apply for Club Gaming and Club Gaming Machine permits. Commercial Clubs e.g. snooker clubs and night clubs cannot avail themselves of their permits.

Minor Variations

- 15.6 In July 2009 further Regulations were passed to allow holders of Premises Licences and Club Premises Certificates to make variations to licences and certificates.

A minor variation may be appropriate to:

- **Make minor changes to the structure or layout of a premises;**
- **Make small adjustments to the licensing hours;**
- **Remove out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions;**
- **Add certain licensable activities; and**
- **Reduce the licensing hours for the sale/supply of alcohol or to move (without increasing) the licensed hours between 07:00 and 23:00 hours.**

The impact of the minor variation application must not impact adversely on the licensing objectives.

Minor variations are not permitted if the hours for the sale or supply of alcohol are increased or if the effect of the variation is to move the hours for the sale or supply of alcohol between the hours of 23:00 and 07:00 on any day (notwithstanding that there is no increase in hours).

The Licensing Authority may consult with such responsible authorities as it thinks appropriate and must consider any representation made by an interested party.

When determining any application for a minor variation the Licensing Authority may receive valid representations if made within 10 days of the application. The Authority must make its determination within 15 days of the application. Should the Authority fail to determine the application within this time it is deemed to have failed. The decision as to whether to allow a minor variation rests with the Licensing Authority and may only be challenged by way of judicial review.

Removal of the requirement for a Designated Premises Supervisor in a Community Premises

- 15.7 In July 2009 further Regulations were passed to allow the removal of the requirement for a Designated Premises Supervisor in a

Community Premises. The Management Committee of a Community Premises such as a church hall, chapel hall, village hall, parish hall, community hall or other similar building can now 'opt out' of the requirement to have a Designated Premises Supervisor when they either apply for a new Premises Licence or for the variation of an existing Premises Licence to include the sale/supply of alcohol. Also a Management Committee of a Community Premises with an existing Premises Licence that already includes the sale/supply of alcohol can apply to vary the Premises Licence to remove the requirement for a Designated Premises Supervisor without altering anything else.

- 15.8 There is the need to complete an additional form as well as the application form for a new or variation of a Premises Licence, requesting that instead of a Designated Premises Supervisor 'the alternative licence condition' is granted. There is no fee for this.
- 15.9 Where a Community Premises already has a Premises Licence that includes the supply/sale of alcohol and the Management Committee only wants to remove the requirement for a Designated Premises Supervisor and no other changes, only the new form needs to be completed to vary the Licence to have 'the alternative licence condition' granted. The appropriate fee must accompany the form.

Mandatory Conditions

- 15.10 Alcohol-related violent crime, nuisance and disorder remain a serious problem in many areas in England and Wales. Those who retail or supply alcohol also have a responsibility to protect their customers, members, the public and communities.

The Policing and Crime Act 2009 allowed the Government to impose mandatory conditions with regard to the responsible retailing of alcohol. These conditions must be intended to support and actively promote the licensing objectives. The aim of the mandatory conditions is to ensure that those businesses, both small and large, who are selling alcohol irresponsibly, act more responsibly to help tackle alcohol-related crime and disorder.

The mandatory licensing conditions apply to all existing or future relevant premises where the licence authorises the sale/supply of alcohol.

The conditions *do not* apply where the licence or certificate authorises the sale by retail or supply of alcohol only from consumption *off the premises*.

Many of the proposed conditions involve restrictions on irresponsible practices or promotions and hence will not have any impact on those businesses that do not currently operate these types of practices or promotions. There are also some conditions which require premises

to adhere to particular good practice and these will also have an impact on some small businesses. The supply of alcohol by members clubs and miners welfare institutes is also included in the conditions.

15.11 For the purposes of this policy a responsible person will be considered to be:

- Premises licence holder
- Designated premises supervisor
- A person aged 18 or over who is authorised to allow the sale or supply of alcohol by an under 18
- A member or officer of a club present on the club premises who can oversee the supply of alcohol

15.12 A responsible person should be able to prove that they have taken reasonable steps to be compliant with the mandatory conditions.

Conditions 1 – 3 came into force on 6, April 2010

Condition 1 states that the responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

Irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) Drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

Condition 2 states that the responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Condition 3 states that the responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available. Whilst any prosecution will be assessed on its individual merit and in light of the Statutory Code of Practice for Regulators breaches of the mandatory conditions will always be viewed as serious and likely to be subject to enforcement action.

Two further mandatory conditions are due to come into force in October 2010 but may be removed following current consultation by Government these are:

Condition 4: The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

and Condition 5: The responsible person shall ensure that-

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures-

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Adult Entertainment

- 15.14 Where amendments to the Local Government (Miscellaneous Provisions) Act 1982 are adopted by the authority (consultation to take place soon) Premises that wish to provide adult entertainment by way of lap dancing, pole dancing or other types of activities involving nudity (relevant entertainment) are required to be licensed under the Local Government (Miscellaneous Provisions) Act 1982 unless they provide such entertainment less than 11 times in any rolling year and there is at least one calendar month between performances. Where this exemption applies the holders of authorities under the Licensing Act 2003 (premises licences, club premises certificates or temporary events notices) will be expected to implement measures to actively promote the four licensing objectives. In particular the Licensing Authority encourages measures that will protect children from moral, physical or mental harm.
- 15.15 Such measures may include the following however this list should not be seen as being exhaustive or exclusive:
- Measures to ensure that any adult entertainment cannot be viewed from the public highway or from any part of the premises not being used for adult entertainment. Such measures may include the screening of doors and windows or the screening of the stage area to reduce the field of vision in respect of the performance
 - A proof of age scheme where persons under the age of 18 years are required to provide photographic means of identification
 - The provision of door supervisors registered by the Security Industry Authority for the purposes of ensuring good behaviour during any performance and to ensure that age restrictions are complied with.
 - Measures to ensure that members of the audience are not permitted to be in physical contact with the performer. This may include a barrier or enforced sterile area immediately in front of the stage at a distance that will prevent contact.
- 15.16 Where premises licences or club premises certificates have conditions attached in respect of regulated entertainment in the form of adult entertainment such conditions will remain in force unless the premises are licensed for relevant entertainment under the Local Government (Miscellaneous Provisions) Act 1982. This is because it is anticipated that the conditions in respect of premises with relevant entertainment are likely to be stricter than those with regulated entertainment.

15.17 Hearings

Where relevant representations are made a hearing will be held before the Council's Licensing Sub-Committee. The Licensing sub-committee will determine the application having regard to this Policy, the Licensing Act 2003, (in particular the licensing objectives), and any guidance and supporting regulations issued from time to time under the Act, any relevant representations and the applicant's submissions. The decision will usually be given to the applicant at the end of the hearing. The decision will be confirmed in writing as soon as reasonably practicable.

15.18 Conditions

The Licensing Authority will take care to ensure that only necessary, proportionate and reasonable licensing conditions are on any licence or certificate. Either arising out of the operating schedule or when relevant representations are made. Any such conditions will primarily focus on the direct impact of the activities taking place at licensed premises, on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity. Conditions that might be relevant in the town centres may not be appropriate in rural areas – but each application will be considered on its merits. The conditions will cover only those matters that are reasonably within the control of individual licensees.

Most conditions will be drawn or adapted from the relevant Model Pools of Conditions set out in Annex D of the Guidance issued under s182 of the Licensing Act 2003. It may be necessary to impose Conditions not in the Model Pool when appropriate.

Where it can the Licensing Authority will avoid duplication with other regulatory regimes and legislation in attaching conditions to premises licences and club registration certificates.

Where legislation does not cover the particular circumstances of regulated entertainment at specific premises, then specific conditions may be imposed to address the licensing objectives.

15.19 Provisional Statement

Someone with an interest in premises, which is or is about to be constructed for use for one or more licensable activities, or which is or is about to be extended or altered for that purpose, may apply for a provisional statement. Applications for provisional statements will be considered, subject to the provisions of the Act. The applicant for a provisional statement should seek advice from its legal advisor or the council's Licensing Officer.

15.20 Appeal

Applicants and those making representations in respect of applications and reviews to the Licensing Authority have a right of appeal to the Magistrates' Court against the Authority's decisions.

15.21 Further Information

If you need more details about the licensing process or making an application please contact the Licensing Officer on 01622 602028.

The Department of Culture, Media and Sport at:

www.culture.gov.uk/alcohol.

Local Government Regulation at: www.lacors.gov.uk

The Licensing Authority's website is: www.digitalmaidstone.co.uk.

see annex 5 for a list of useful contacts

16. Irrelevant, Frivolous, Vexatious and Repetitious Representations

The Licensing Authority will not consider representations which are irrelevant, made out of time or which are, in the Council's opinion, repetitious, frivolous or vexatious. Representations must be relevant before the Licensing Authority can consider them. This means that they must be:-

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

Representations can be made supporting the application, not just objecting.

A responsible authority means the police, the fire authority, the local planning authority, the Health and Safety Authority, the local authority responsible for minimising or preventing the pollution of the environment or of harm to human health, any body interested in protecting children from harm and any other Licensing Authority in whose area the premises are situated.

An interested party means a person living in the vicinity of the premises or a body representing people who live in that vicinity. It also means a person involved in a business in the vicinity of the premises or a body representing people who are involved in such a business.

The Policing and Crime Act 2009 introduced a number of measures which are relevant, or made changes, to the 2003 Act, including that elected members of licensing authorities to be included as interested parties and can now make representations or seek a review in their own right.

NB: Elected councillors are not required to live in the vicinity or in the same ward as the licensed premises they are making a representation about, and are not required to have been requested to act by any other person or body.

The term "member of the licensing authority" refers only to elected councillors, and not officers or other employees of the authority.

Officers will examine each representation on its merits to see whether it is relevant or whether any ordinary or reasonable person would consider it to be frivolous or vexatious. Full reasons for the refusal to consider the representation will be given to any one whose representation is disallowed.

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

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

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

17. **Reviews**

The Licensing Authority may review a licence on the application of any responsible authority or interested party who makes a relevant representation which relates to the Licensing Objectives. The Licensing Authority's role will be to administer the process and determine its outcome at a hearing where an evidential basis for the allegations made will need to be submitted.

The outcome of a review may be no action, warnings regarding future conduct, the modification, suspension for up to three months or revocation of the licence, the exclusion of a licensable activity from the scope of the licence, the removal of the designated premises' supervisor or a combination of these.

The Licensing Authority, Kent Police and Kent & Medway Fire & Rescue Service will give early warning to licence holders of any

concerns identified at premises and of the need for improvement where possible.

Responsible authorities and/or interested parties can apply for a review of a premises licence and evidence to justify such consideration would need to be presented to the Licensing Authority. Interested parties are therefore advised to keep records of incidents in relation to licensed premises in order to support the application for review.

18. **Enforcement**

The Local Authority delivers a wide range of enforcement services aimed at safeguarding the environment and the community and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services. The Licensing Authority follows and fully supports the principles of the Government's Statutory Code of Practice for Regulators designed to ensure effective and efficient public protection services. Specifically, the Licensing Authority is committed to accord with the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

The Statutory Code of Practice for Regulators is based on the principles that businesses should:-

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

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

The Licensing Authority has set clear standards of service and performance that the public and businesses can expect. The Licensing Enforcement Policy explains how the Licensing Authority will undertake its enforcement role effectively and fairly.

The Licensing Enforcement Policy and the Licensing Authority's corporate complaints procedures are available from the Council or the Licensing Authority's website: www.digitalmaidstone.co.uk.

The Licensing Authority has an established protocol with Kent Police, Kent and Medway Fire and Rescue Service and Kent County Council Trading Standards on enforcement issues. This protocol provides for the targeting of resources for inspection and enforcement towards high risk premises and activities that require greater attention using a scoring scheme based on risk factors, whilst providing a lighter touch in respect of low risk premises.

The Licensing Authority will also carry out regular monitoring visits in and around licensed premises.

19. **Licensing Objectives**

The following sections set out the Licensing Authority's Policy relating specifically to the four licensing objectives:-

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

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

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

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

The Licensing Authority expects the selection of additional steps set out above to be based upon the applicant's thorough risk assessment of the premises, events, activities and the types and numbers of customers expected to attend.

Whilst the Licensing Authority cannot require such risk assessments to be documented (other than where required by other legislation) it does consider such documentation to be good practice and a useful tool, for instance in the instruction and training of staff.

A risk assessment can also be a sound basis for review by the licence holder, in the event of an application for variation or a response to changing circumstances/conditions at the premises. It may also be a

factor in the licence holder's favour following an application for review. In order to minimise potential problems and misunderstandings which can lead to hearings, applicants are advised to consult with the Licensing Authority when preparing their operating schedules. Applicants should note that, the environmental protection team of the Borough Council, the Kent Police, the Kent and Medway Fire and Rescue Authority and the Kent County Council (the responsible authorities) will examine all applications in order to assess whether they need to make representations on them.

19.1 Addressing all four objectives

1. Applicants may consider taking additional steps when they plan a special event or promotion which is likely to attract larger audiences than usual.
2. The Licensing Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice important for the achievement of all the Licensing Objectives. For this reason, the Licensing Authority will expect these elements to be considered by an applicant when completing an Operating Schedule.
3. The Licensing Authority will normally expect the premises licence holder to give the Designated Premises Supervisor (DPS) named in the operating schedule the day-to-day responsibility for running the premises. In addition to the DPS holding a personal licence, the Licensing Authority will normally expect the DPS to have additional training and experience commensurate with the nature and style of the operation of the premises.
4. Applicants for new or variations to late night licences will need to consider the orderly safe and swift dispersal of customers and possible impact on crime and disorder issues. The Licensing Authority will seek to encourage the controlled dispersal of customers, plans for which the Licensing Authority will expect to be considered in the Operating Schedules for licences.
5. Licensees are key partners in working towards the promotion of the Licensing objectives. In completing their Operating Schedules applicants will be expected to consider whether to put suitable and sufficient measures in place to promote those objectives. Those measures would be relevant to the individual style and characteristics of their premises, activities and events. It is only when well founded relevant representations are received, that the Licensing Authority may consider an application for a Premises licence. It will pay particular

attention at any hearing whether to impose extra conditions in addition to any which may already be included in the operating schedule, with a view to promoting the objectives.

20 Prevention of Crime and Disorder

Concerns

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

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

Additional Steps

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

- Effective and responsible management of premises.
- Training and supervision of staff including the maintenance of training records.
- Adoption of current best practice guidance (some examples are Safer Clubbing, the National Alcohol Harm Reduction Strategy Toolkit, and other voluntary codes of practice, including those relating to drinks promotions e.g. The Point of Sale Promotions published by BBPA).
- Acceptance of accredited 'proof of age' pass cards or 'new type' driving licences with photographs, passports or an official identity card issued by H M Forces and the implementation of the 'Challenge 21' or 'Challenge 25' scheme;
- Provision of effective CCTV in and around premises.
- Employment of Security Industry Authority licensed door staff. (If two or more are employed there must be at least one male and one female).
- Provision of toughened or polycarbonate glasses.
- Provision of secure deposit boxes for confiscated items ('sin bins').
- Provision of litterbins, security measures, e.g. lighting, outside premises.
- Membership of a Pub Watch scheme.
- The current 'Chill Out Hour' operating at the late night venues in the Borough of Maidstone which is the agreement whereby late

night venues cease to sell alcohol yet continue to provide music and dancing for a further hour (at a reduced volume and with the heavy bass beat removed) has proved to be a success in reducing late night crime and disorder.

- Membership of Maidsafe (Nite Net).

Within the application for premises from which alcohol will be sold, a Designated Premises Supervisor (DPS) must be identified and named. Examples of best practice would be for the operating schedule to cover:

- the DPS to be regularly on the premises;
- the DPS to have been given the day-to-day responsibility for running the premises by the premises licence holder. In addition to the DPS holding a personal licence;
- the DPS to have additional training and experience commensurate with the nature and style of the operation of the premises.

In exceptional circumstances, the police may object to the designation of a new premises supervisor where they believe that such appointment would undermine the crime prevention objective.

Certain temporary events are not required to be licensed but must be notified to the Licensing Authority and Police using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious crime and disorder implications. Organisers of these events must submit their notification at least 10 working days before the event to enable the police and the Licensing Authority to work with them to identify and reduce the risk of crime and disorder.

21 The Promotion of Public Safety

The Licensing Authority wishes to ensure the safety of everyone on licensed premises.

Concerns

Capacity

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

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

- Nightclubs
- Cinemas
- Theatres
- Other premises where regulated entertainment within the meaning of the Act is being provided.

The Regulatory Reform (Fire Safety) Order 2006 places a responsibility on the licence holder to carry out a risk assessment and appoint a competent person. This risk assessment should include a maximum capacity limit taking into account the activities undertaken on those premises and any extenuating circumstances such as special effects, clientele or restricted access

The Applicant might also consider the following concerns when assessing the appropriate capacity for premises or events in the Maidstone area. These could include:-

- The age, design and layout of the premises including means of escape in the event of a fire.
- The nature of the premises or event.
- The nature of the licensable activities being provided.
- The provision or removal of temporary structures, such as a stage or furniture.
- The number of staff available to supervise customers both ordinarily and in the event of an emergency.
- The customer profile (e.g. age, disability).
- The attendance by customers whose first language is not English.
- Availability of suitable and sufficient sanitary accommodation.
- The nature and provision of facilities for ventilation.
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines, etc.

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

Additional Steps

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

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

22 **Prevention of Public Nuisance**

Licensed premises can cause adverse impacts on communities through public nuisance. The Licensing Authority wishes to maintain and protect the amenity of residents and other businesses from any nuisance caused by the operation of licensed premises whilst recognising the valuable cultural, social and business importance that such premises provide.

The Licensing Authority will interpret 'public nuisance' in its widest sense, and takes it to include such issues as noise, light, odour, litter and anti-social behaviour, where these matters impact on those living, working or otherwise engaged in normal activity in an area.

Concerns

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

- The location of the premises and their proximity to residential and other noise sensitive premises, such as hospitals, hospices and places of worship.
- The hours of operation, particularly if between 23.00 and 07.00.
- The nature of activities to be provided, including whether those activities are of a temporary or permanent nature and whether they are to be held inside or outside premises.
- The design and layout of premises and in particular the presence of noise limiting features.
- The occupancy capacity of the premises.
- Last admission time.
- The steps the applicant has taken or proposes to take to ensure that staff leave the premises quietly.

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

Additional Steps

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

- Effective and responsible management of premises.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of public nuisance.
- Control of operating hours for all or parts (e.g. garden areas) of premises, including such matters as deliveries.
- Adoption of best practice guidance (e.g. Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics).
- Installation of soundproofing, air conditioning, acoustic lobbies and sound limitation devices.
- Management of people, including staff, and traffic (and resulting queues) arriving and leaving premises.
- The incorporation of measures for ensuring the safe and swift dispersal of patrons away from premises and events without causing nuisance or public safety concerns to local residents.
- Effective ventilation systems to prevent nuisance from odour.
- Workplace smoking ban.

N.B. Where relevant representations are received which the Licensing Sub Committee consider material particular consideration

will be given to the impact on residential amenity of proposals for the provision of late night refreshment where these are either located in, or encourage people to move through, residential areas.

23 **Protection of Children from Harm**

The relaxation in the Licensing Act giving accompanied children greater access to licensed premises is seen as a positive step, which may bring about a social change in family friendly leisure but the risk of harm to children remains the paramount consideration. Clearly, this relaxation places additional responsibilities upon licence holders as well as upon parents and others accompanying children.

The protection of children from harm includes the protection of children from moral, psychological and physical harm and, in relation to the exhibition of films, the transmission of programmes by video or DVD. This includes the protection of children from exposure to strong language, sexual imagery and sexual expletives.

In certain circumstances children are more vulnerable and their needs will require special consideration. This vulnerability includes their susceptibility to suggestion, peer group influences, inappropriate example, the unpredictability of their age and the lack of understanding of danger.

The Licensing Authority recognises Kent County Council Social Services, Mid Kent Area, District Office, Bishop's Terrace, Bishop's Way, Maidstone, Kent, ME14 1AF. as a body representing those responsible for, or interested in, matters relating to the protection of children from harm and competent to advise it on such matters. It is, therefore, a responsible authority for the purposes of Section 13(4) and Section 69(4) of the Act.

Concerns

The applicant should consider those factors arising from the premises or the activities of their customers within the vicinity of the premises that may impact on the prevention of children from harm. These may include the potential for children to:-

- purchase, acquire or consume alcohol
- be exposed to drugs, drug taking or drug dealing
- be exposed to gambling
- be exposed to activities of an adult or sexual nature
- be exposed to incidents of violence or disorder
- be exposed to environmental pollution such as noise
- be exposed to special hazards such as falls from a height

Additional Steps

The following examples of additional steps are given to assist applicants. The Licensing Authority considers them to be important matters that applicants should take account of in the preparation of their Operating Schedule, having regard to their particular type of premises and/or activities:-

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

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

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

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

- a) There have been convictions for serving alcohol to minors or where there is some evidence of under-age drinking.
- b) There is a known association with drug taking or dealing.
- c) There is a strong element of gambling on the premises.
- d) Entertainment of an adult or sexual nature is commonly provided.
- e) There is a presumption that children under 18 should not be allowed (e.g. to nightclubs, except where under 18 discos are being held)

- f) Licensable activities are taking place during times when children under 16 may be expected to be attending compulsory full-time education.

In the case of film exhibitions, the Licensing Authority will expect licensees to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification (BBFC) or the Council.

In the case of a film exhibition that has not been classified, the Licensing Authority will expect the licensee to certify to the Council that an assessment of the suitability of the film for exhibition to children in accordance with the BBFC Guidelines has been carried out and that the Council prior to public viewing has confirmed this.

Where regulated entertainment is provided and representations are made the Licensing Authority will consider requiring the presence of an adequate number of adult staff to control the access and egress of children and to protect them from harm whilst on the premises. Where children are present as performers, the Council will normally require an adequate number of adult staff to be responsible for the child performers. The staff should be suitably screened to work with children.

1. Key Local Issues

1.1 The area in general

1.1.1 Transport

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

The problems with local transport systems include:-

- Late night bus and train services into and within the Borough are virtually non-existent. This leaves taxis/private hire as the main method of 'public' transport, apart from private vehicles.
- The lack of transport creates a situation where there is increased footfall, particularly within the central core area of Maidstone, with the potential for ensuing disturbance to local residents.
- There may be conflict between the rights and needs of residents and the customers of licensed premises who walk home or to find food through residential streets late at night.

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

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

The Council will also investigate ways of working in partnership to attempt to resolve transport issues (see partnership paragraph 10).

1.1.2 Nightclubs and Late Night Venues

A number of nightclubs operate within the town centre. They provide music and dancing with the sale of alcohol and occasional sales of food. Whilst catering for a number of patrons in comparison with all the other licensed establishments in the Borough, they could have a disproportionate impact on the four licensing objectives. There is some potential for further expansion of such late night entertainment across the Borough with the related risk of an increasingly negative impact on meeting the licensing objectives.

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

a. Chill out Hour:

Late night licensed premises are permitted by their licence to remain open beyond their finishing time for the sale of alcohol. The expectation is that premises will reduce the level of music especially bass beat to reduce temporary deafness to customers. All drinks and drinking vessels to be cleared away and then the bar to reopen for the sale of reasonably priced soft drinks tea, coffee and for food. This allows the slow and controlled dispersal of patrons.

b. Late Night Forum:

Meetings regularly arranged for licensees of late night premises and the enforcement agencies to address issues of mutual concern

c. Spike Campaign:

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

d. Maidsafe:

A Borough-wide scheme initiated by the police and Council to enable licensed premises to share and collate information re customers' behaviour.

e. Drugs awareness:

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

f. Multi-agency enforcement and advice visits:

An essential component of the Council's Regulatory strategy. Visits are carried out with the Police, Fire safety and rescue, Trading Standards and Officers of the Council. A high level visible presence gives assurance to the public, residents, patrons and staff of late night premises.

g. Safer Socialising:

Two elements in the reassurance strategy for both residents and patrons of licensed premises.

1.1.3 **Public Spaces and Outdoor Places**

The Council has licensed several public open spaces within the Borough in its own name and permits organised events on these as appropriate for entertainment. Alcohol is not included. This furthers the Council policy of actively seeking to encourage and promote live music, dance, circus and street arts. Where a public space has a premises licence event organisers will not need a temporary events notice or to hold a premises licence themselves. They will still need the permission of the Council to hold their event and the Council will seek to make sure that any such event itself promotes the licensing objectives.

The Council has standard guidance for event organisers. This can be obtained from Parks and Leisure. Please contact Parks and Leisure on 01622 602753 or by e-mail to parksandleisure@maidstone.gov.uk

The Council also encourages the placing of café style tables and chairs in the highway (in accordance with an appropriate licence from the Highways Authority).

1. Licensing Enforcement Policy

1.1 Aim

This Policy is intended to fairly and firmly enforce the law in a consistent and transparent way, and in accordance with the four licensing objectives: -

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

The Council will assist and advise wherever appropriate, but proportionate action will be taken against those who breach the provisions of the legislation.

The Council follows the provisions of the Government's Statutory Code of Practice for Regulators which can be found at <http://www.berr.gov.uk/files/file45019.pdf> and The Kent & Medway Licensing Enforcement Protocol (reviewed Mar 2006) which can be supplied on contacting 01622 602028 .

1.2 Liaison with Regulatory Agencies

The Council will work actively with the Police and other bodies (Fire and Rescue Service, Customs and Excise, Trading Standards, Child Protection, Health and Safety Executive, Security Industry Authority, Crown Prosecution Service, etc), in enforcing the licensing legislation. This will necessitate the sharing of information in relation to those persons involved in licensing and relevant premises based on the requirements of the Licensing Act 2003, Criminal Justice and Police Act 2001, Anti-Social Behaviour Act 2003, Criminal Justice and Public Order Act 1994, Crime and Disorder Act 1998 and other relevant legislation.

There are various statutory provisions that enable the Council to exchange relevant information with other bodies. These provisions will be used as appropriate.

This Enforcement Policy in no way restricts other regulatory bodies from carrying out enforcement under their own regulatory powers.

1.3 Licensing Visits

Council Officers will make licensing visits to premises, and may on occasion be accompanied primarily by the Police and or other regulatory agencies.

Both the Council and the other relevant agencies firmly believe that working with business is the primary method to achieve the licensing objectives, but will take appropriate enforcement action if necessary.

The visiting regime for premises is not decided solely on a risk assessment basis. The Council will, as part of its proactive stance, make regular visits to and in the vicinity of licensed premises in order to assess the impact of their operation on residents and other businesses in the area.

The Council will monitor patron movement to, from and between premises and the provision and accessibility of transport to assist dispersal of persons away from licensed premises. The information gained from these monitoring exercises will inform the development of the Councils' Licensing Policy statement.

1.4 Consistency

The Council and its officers will act in a fair and consistent manner. Council Officers whilst exercising their professional judgment in individual cases will do so within a framework based on consistency and fairness in action.

There will be specific circumstances when the Council will share an enforcement role with the Police or other agencies. When this occurs the same degree of consistency and fairness will be applied.

1.5 Proportionality

The Council, Police and other enforcement agencies will, as far as the law allows and where co-operation is given, work with business/ licensees to enable them to meet their legal obligations without undue cost.

The Council will take into account the cost of compliance by ensuring that any enforcement or remedial action required is proportionate to the risks. However clear breaches of the legislation may attract prosecution and /or recommendation for review of the licence where it is deemed to be in the public interest.

1.6 Enforcement Action/Options

1. The initial contact between Council and Business/Licensees will normally be informal, with the provision of advice, guidance and support.

2. Enforcement action can include the following progressive approach to achieve compliance:-

- Verbal advice- which may be documented
- Written advice
- Verbal warning-which will be documented
- Written warning
- Statutory Notice
- Formal Caution
- Prosecution

The individual circumstances of the breach of the legislation will determine the level of enforcement.

In the case of a premises licence a responsible authority may ask for a review. All actions will be considered in accordance with the requirements of the Human Rights Act 1998 and considered on its individual merits.

On conviction of a relevant offence Magistrates may endorse, suspend or revoke a Personal Licence.

Council Officers, Police or Crown Prosecutors may, relating to such a conviction, remind the Magistrates of their powers to endorse, suspend or revoke a Personal Licence

3. When prosecution is being considered, the relevant enforcement bodies will decide on a case-by-case basis, which is the lead authority to prosecute the offence.

Regard will be taken of the Code of Practice made under Section 10 Prosecution of Offences Act 1985 and issued by the Crown Prosecution Service. Due consideration will be given to any guidance and/or advice issued by Government, Local Authority Association and other professional and technical bodies. Statements will be provided as regard to evidence from one agency to another as necessary.

Before deciding whether to prosecute the following factors will be considered:-

- The seriousness of the alleged offence
- The history of the business/person concerned
- The willingness of the business/individual to prevent a reoccurrence of the problem and the level of co-operation with Council Officers, Police and/or other agencies.
- Whether it is in the public interest to prosecute.
- The realistic prospect of conviction.

- Whether any other action (including a formal caution) would be appropriate.
- The views of any complainant and other parties with an interest in a prosecution.

The Council takes a proactive stance towards the proper regulation, and enforcement of the provisions of this legislation. The Council will normally take the lead on issues including: -

- Noise
- Production and display of relevant licences and documents.
- Unauthorised licensable activities in relation to the provision of regulated entertainment.
- Breaches of conditions of premises licences.
- Breaches of requirements under Temporary Events Notices.
- Exposing and keeping of alcohol on premises for unauthorised sale.

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

1. Exercise and Delegation of Functions

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

Delegation of Functions

Matter to be dealt with	Licensing Committee	Licensing Sub-Committee	Head of Democratic Services
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
Application for interim authorities		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	

Decision on whether a complaint is irrelevant frivolous vexatious etc.		Non Straightforward cases which the Commercial Health Manager or the Head of Legal and Democratic Services consider should be referred to the Sub Committee	To decide on Straightforward cases in consultation with Head of Legal and Democratic Services
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a police objection to a temporary event notice		All cases	
Application for a minor variation			All cases

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

Where officers have used delegated powers they will provide summary reports to the Licensing Committee each year.

Consultees

- a) Kent Police and the British Transport Police
- b) Kent and Medway Fire and Rescue Authority
- c) Persons/bodies representative of persons who are local holders of premises licences
- d) Persons/bodies representative of persons who are local holders of club premises certificates
- e) Representative of persons who are local holders of personal licences
- f) Persons/bodies representative of business and residents in the area
- g) All Borough Councillors
- h) All Parish Councils

The views of these persons/bodies listed will be given appropriate weight when the policy is determined.

Useful Contacts (organisations)

Association of Convenience Stores (ACS)

<http://www.thelocalshop.com/tls/index.asp>

Federation House,
17 Farnborough Street,
Farnborough,
Hampshire,
GU14 8AG.

Email: acs@acs.org.uk

Association of Licensed Multiple Retailers (ALMR)

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

9B Walpole Court,
Ealing Studios,
London
W5 5ED
Tel: 020 8579 2080
Email: info@almr.org.uk

Association of Town Centre Managers (ACTM and Purple Flag)

<http://www.atcm.org/>

ATCM,
1 Queen Anne's Gate,
Westminster,
London
SW1H 9BT
office@atcm.org

British Beer and Pub Association (BBPA)

<http://www.beerandpub.com/>

British Beer & Pub Association
Market Towers
1 Nine Elms Lane
London
SW8 5NQ
Tel: 020 7627 9191
web@beerandpub.com

British Board of Film Classification (BBFC)

www.bbfc.co.uk

3 Soho Square,
London

W1D 3HD
contact the bbfc@bbfc.co.uk

British Institute of Inn Keeping (BII)

<http://www.bii.org/>
Wessex House,
80 Park St., Camberley,
Surrey,
GU15 3PT,
Tel: 01276 684449

British Retail Consortium (BRC)

<http://www.brc.org.uk/default.asp>
21 Dartmouth Street,
London
SW1H 9BP
Tel: 0207 85 8900

Circus Arts Forum

www.circusarts.org.uk
info@circusarts.org.uk

Cinema Exhibitors' Association (CEA)

<http://www.cinemauk.org.uk/>
22 Golden Square
London
W1F 9JW
Tel: 0207 734 9551

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)

www.culture.gov.uk
enquiries@culture.gov.uk
2-4 Cockspur Street
London
SW1Y 5DH

Equity

<http://www.equity.org.uk/>
Head Office
Guild House
Upper St Martins Lane
London
WC2H 9EG

Telephone: 020 7379 6000
Email: info@equity.org.uk

Independent Street Arts Network

www.streetartsnetwork.org.uk

54 Chalton Street,
London
NW1 1HS.

Institute of Licensing (IOL)

<http://www.instituteoflicensing.org/>

Institute of Licensing

45 Larcombe Road
St Austell
Cornwall
PL25 3EY

Justices Clerks' Society

www.jc-society.co.uk

E-mail: secretariat@jc-society.co.uk

Tel: 0151 255 0790

LACORS

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

info@lacors.gov.uk

Licensed Victuallers Associations (LVAs)

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

Federation of Licensed Victuallers Associations,
126 Bradford Road,
Brighouse,
West Yorkshire
HD6 4AU

National Association of Local Government Arts Officers

<http://www.nalgao.org/>

nalgao

Oakvilla,
Off Amman Road,
Brynamman,
Ammanford,
Neath
SA18 1SN

Phone & Fax: 01269 824728

NOCTIS (Formerly Bar, Entertainment and Dance Association (BEDA))

<http://www.noctisuk.org/>

5 Waterloo Road
Stockport
Cheshire, UK
SK1 3BD

The Portman Group

www.portman.org.uk

info@portmangroup.org.uk

0207 290 1460

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



STATEMENT OF LICENSING POLICY

DRAFT

6th January 2016 until 5th January 2021

Licensing Act 2003

ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework

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STATEMENT OF LICENSING POLICY

INTRODUCTION

Maidstone Borough Council is a member of a Licensing Partnership which includes Sevenoaks District Council and Tunbridge Wells Borough Council. However this policy relates solely to Maidstone Borough Council and its area.

This is the Statement of Licensing Policy as determined by the Council in respect of its licensing functions under the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.

This Statement of Licensing Policy commences on 6 January 2016 and continues for a five year period. During the five year period the Policy will be kept under review and the authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

All references to the 'Guidance' refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The 2003 Act requires the Council to carry out its various licensing functions with a view to promoting the following four licensing objectives:

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

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

help build a fair and prosperous society that properly balances the rights of people and their communities with the needs of business.

minimise any nuisance or disturbance to the public through the licensing process;

integrate its aims and objectives with other initiatives, policies and strategies that will:

- (1) reduce crime and disorder;
- (2) encourage tourism;
- (3) encourage an early evening and night time economy which is viable, sustainable and socially responsible;
- (4) reduce alcohol misuse;
- (5) encourage employment;

- (6) encourage the self sufficiency of local communities;
- (7) reduce the burden of unnecessary regulation on business;
- (8) encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

In the preparation of this policy the Licensing Authority will have given proper regard to the local strategies on crime prevention, planning, transport, culture, tourism and economic development to ensure proper coordination and integration of the aims and actions of these policies.

The Licensing Act is part of a wider Government strategy to tackle crime, disorder and anti-social behaviour and reduce alcohol harm. The Licensing Authority will continue to develop strategies with the police, and the other enforcement agencies, as appropriate, for the management of the night-time economy. Central to this is the enforcement of the law relating to the sales of alcohol to drunk and underage people and drunkenness or disorder on, or in the immediate vicinity of licensed premises.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

1 CONSULTATION

1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licensing Objectives will be made with the approval of the Licensing Manager in order for the policy to remain legislatively current.

1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:

- the Chief Officer of Police for Kent
- the fire and rescue authority for Kent
- the Director of Public Health for all areas within Maidstone Borough
- persons/bodies representative of local premises licence holders
- persons/bodies representative of club premises certificate holders
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in the MB area

1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:

- Kent Police Licensing Team
- the Superintendent of Police for Maidstone Borough Council area

- all Council members
- all parish councils
- all bordering local authorities
- all other responsible authorities under the Licensing Act 2003
- members of the public who requested to be consulted and have responded previously.
- British Beer & Pub Association

DRAFT

THE POLICY

2 BACKGROUND

2.1 When administering licensing matters the council as the Licensing Authority will promote of the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

The four licensing objectives are the:

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

The Licensing Authority gives equal weight to each of these objectives.

2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the amended guidance issued under section 182 of the Act the Police Reform and Social Responsibility Act 2012 and the Live Music Act 2012.

2.4 Maidstone Borough Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and variations to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices,(TENs). The activities as defined by the Act are:

- Sale by retail of alcohol
- supply of alcohol (club)
- The provision of regulated entertainment which includes:
 - the performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - playing of recorded music
 - performance of dance
 - entertainment of a similar description to the above 3.
(where they take place in the presence of an audience for the purpose of entertaining them)
- Provision of late night refreshment

It should be noted that following the introduction of the Live Music Act 2012, a licence is not required to stage a performance of live music, or the playing of recorded music

if:

- it takes place between 8AM and 11PM; and
- it takes place at an alcohol on-licensed premises; and
- the audience is no more than 500 people

You also don't need a licence:

- to put on unamplified live music at any place between the same hours; or
- to put on amplified live music at a workplace between the same hours and provided the audience is no more than 500 people.

2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include sexual entertainment events and gambling

3 LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including all ages and genders. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website – www.maidstone.gov.uk/business/licensing-and-permits and at <http://www.maidstone.gov.uk/business/environmental-health/health-and-safety/event-planning>
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them. However, MBC cannot provide legal advice to applicants or other parties.
- 3.6 *Supermarkets and other 'off' licensed premises selling alcohol.* The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout their opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to consider any appropriate and proportionate additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers already appear under the influence of alcohol when attempting to make purchases.
- 3.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by

most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption.

- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be considered for alcohol sales to be identified and approved prior to completion of the purchase.
- 3.11 *Designated Premises Supervisor (DPS) at alcohol licensed premises.* Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will normally have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.
- 3.12 The Licensing Authority would normally expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.
- 3.13 The Licensing Authority expects that a DPS should usually have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.14 *Film Exhibitions*¹⁴, the licensing authority expects licence holders or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the licensing authority itself.
- 3.15 *Live Music.* It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.16 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance. The council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.
- 3.17 *Deregulated Entertainment.* Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect licensees to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authority will consider using alternative powers as per para 3.15.
- 3.18 *Late Night Levy (LNL).* Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the Borough.

The Licensing Authority has considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will use its discretion_very carefully in relation to design and impact of a levy.

- 3.19 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police with a view to agreeing the allocation of the Police share of the levy to support the policing of the night time economy within this Borough .
- 3.20 *Early Morning Alcohol Restriction Order (EMARO)*. The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider such an Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the Borough which is decreasing. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.
- 3.21 *Licensing and planning permission*. The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates. However, all applicants should be in possession of the necessary planning authorisation for their activities or planning enforcement may be considered.
- 3.22 *Need for licensed premises and Cumulative Impact*. 'Need' concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a 'market forces' matter and is not of concern to the Licensing Authority. 'Cumulative Impact' means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.
- 3.23 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses. The licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation
- 3.24 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the Borough where there is a negative cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that supports the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.
- 3.25 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to

a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

4 RESPONSIBLE AUTHORITIES AND OTHER PERSONS

- 4.1** Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Maidstone Borough Council web-site at Responsible Authorities.
- 4.2** When dealing with applications and variations for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons to comment both for and against applications for premises licences and club premises certificates and for reviews.
- 4.3** The Licensing Authority may only consider representations that are relevant to the promotion of the licensing objectives.
- 4.4** The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5** The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept all reasonable and proportionate representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6** Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.
- 4.7** The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous and are intended to cause aggravation or annoyance
 - whether the representation raises a 'relevant' issue
 - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 4.8** The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be

taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.

- 4.9 The Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related crime and disorder or public nuisance etc. that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions that relate to specific licensed premises.
- 4.10 *The Licensing Authority as a Responsible Authority.* The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of which the licensing authority is aware of the negative impact on the promotion of the licensing objectives and residents, and other third parties have failed to take action by either requesting a review or making representation.

5 EXCHANGE OF INFORMATION

- 5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 and the Data Protection Act 1998 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

6 HUMAN RIGHTS AND EQUAL OPPORTUNITIES

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.
- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies

can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

7 COMPLIANCE AND ENFORCEMENT

- 7.1** There are a range of offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2** The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulators' Code and it has also adopted the Kent and Medway Enforcement Protocol.
- 7.3** A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 7.4** Annual fees and suspension of licences for non-payment.- The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee when the annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.
- 7.5** Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct enforcement visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.
- 7.6** If an operator does not wish to carry on the activities that require the premises licence or certificate anymore it is important the licence or certificate is surrendered to prevent maintenance fees being accrued.

CONSIDERATION OF APPLICATIONS

8 NEW PREMISES LICENCES

8.1 In making decisions about applications for licences the Licensing Authority will have regard to:

- The LA03
- the Statutory Guidance issued under section 182 of the Licensing Act 2003,
- The Statement of Licensing Policy made under section 5 of the Licensing Act

that any decisions made that depart from guidance or policy only do so for reasons set out in the decision.

8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional information for clarity on a request from the licensing team.

8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.

8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish of receipt of an application via the weekly premises tracker.

8.5 Where there are no representations about an application the licence will be automatically granted after 28 days under the terms and conditions applied for. Licensing officers will interpret the detail of the operating schedule and convert that into consistent enforceable licence conditions.

8.6 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 16 of this policy will apply.

9 VARIATIONS TO LICENCES

9.1 From time to time licensees may wish to change the nature of the business, vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities, increasing capacities or longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.

9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 8 above.

9.3 Where applications are made for minor variations officers will consider whether there are any impacts on any of the Licensing Objectives. Where the variation proposed creates a significant impact on any of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.

9.4 Where minor impact or no impact is considered Officers will consult with the relevant (if any) responsible authorities.

10 VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

10.1 The Licensing Authority expects that usually the nominated DPS on a licence will be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the licensee to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.

10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the licensee in relation to the mandatory conditions concerning the sale of alcohol, and provide appropriate advice to prevent unauthorised alcohol sales.

10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the licensee's behalf.

10.4 Where there are no representations the default position is to grant the variation.

10.5 The Licensing Authority will give the appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Sub Committee may approve or reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so..

11 TRANSFERS OF PREMISES LICENCES

11.1 Before a licence transfer can be administered, the Licensing Authority usually expects consent to have been obtained from the previous premises licence holder. If this is not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.

11.2 It is acknowledged that in some cases licensees leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a licensee cannot reasonably be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.

11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process unless it is agreed by the applicant and Police as unnecessary..

12 PROVISIONAL STATEMENTS FOR PREMISES

12.1 A provisional statement may be applied for, by a person interested in a premises, where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice

of whether a premises licence is likely to be granted on completion of its construction or conversion.

12.2 The process for considering an application for a provisional statement is the same as that for a premises licence application, including a schedule of works. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.

12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, where the application is for a licence in the same form as the provisional statement and the work described in the schedule of works has been satisfactorily completed. Representations are excluded where:

Where the relevant person could have made the same or substantially the same representations about the provisional statement application but failed to do so without reasonable excuse and

13 there has been no material change in circumstances of the premises or area in the vicinity of the premises since the provisional statement.
CLUB PREMISES CERTIFICATES

13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.

13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.

13.3 In order to apply for a club premises certificate the Licensing Authority must be satisfied that the club is a qualifying club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.

13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.

13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.

13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.

13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.

13.8 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003, failure to pay annual fee.

14 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.

14.2 The Act allows a licence to be reviewed where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.

14.3 Although this Licensing Authority is also a Responsible Authority and may bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).

14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.

14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- relevant to one or more of the licensing objectives
- Not frivolous, vexatious or repetitious.

14.6

14.7 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits.

14.8 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve or narrow issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.

- 14.9** All reviews, save where agreed by all parties as unnecessary, will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.
- 14.10** The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that the a revocation of the licence will be considered.
- 15 APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.**
- 15.1** The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.
- 15.2** The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder.
- 15.3** Before considering an application the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.
- 15.4** In general it is expected that premises that form part of a church hall or chapel hall or are a village, parish or community hall or other similar building would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5** The licensing officers will consider, on a case by case basis, all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the supply of alcohol on the premises.
- 15.6** Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

16 HEARINGS

- 16.1** Any application that has resulted in the submission of relevant representation from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2** A sub-committee will consist of 3 suitably trained members of the Licensing Committee. The sub-committee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3** This Policy will play a key role in achieving consistency in decision making.
- 16.4** Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve or narrow issues before attending the licensing hearing and to achieve an outcome satisfactory to all parties.
- 16.5** Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.
- 16.6** The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.7** All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application.

17 LICENCE CONDITIONS

- 17.1** A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions must be appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2** All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Act and Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended (and any subsequent Mandatory Conditions that are introduced).
- 17.3** Applicants will be expected to include appropriate steps to promote the licensing objectives within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be proportionate, achievable, enforceable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.

- 17.4 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate and proportionate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be given the opportunity to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable, enforceable and reasonable conditions for new and variation applications.
- 17.6 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.
- 17.7 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises and the areas around the premises which is within the licensees control.
- 17.8 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.
- 17.9 **Conditions to promote the Prevention of Crime and Disorder.**
- Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.
- 17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction to responsible drinks promotions

- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.11 In busier premises the Licensing Authority would usually expect to see a short (e.g.30 mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.12 Applicants will be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence. Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area.

17.13 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to consider inclusion of a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.14 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidential purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.15 In any application resulting in hearing the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to promotion of the licensing objectives.

17.16 Conditions to promote Public Safety.

The applicant will be expected to show how the physical safety of persons attending the premises will be protected and to offer any appropriate steps in the operating schedule to promote this.

17.17 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

17.18 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

Where appropriate an operating schedule should specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the primary activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.
- (vi) Where conditions of occupancy have arisen due to representations received.

17.19 Conditions to promote the Prevention of Public Nuisance.

The applicant will be expected to detail any appropriate and proportionate steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.20 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Delivery and collection times and locations.
- (viii) Impact of external security or general lighting on residents.
- (ix) History of management of and complaints about the premises.
- (x) Applicant's previous success in preventing Public Nuisance.
- (xi) Outcomes of discussions with the relevant Responsible Authorities.
- (xii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiii) Collection of litter arising from the premises

17.21 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.22 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

17.23 Conditions to promote The Protection of Children from Harm.

Applicants will be expected to detail any appropriate and proportionate steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.24 Steps to protect children from harm must be carefully considered for inclusion where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There has been a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.
- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.25 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.26 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

18 PERSONAL LICENCES

18.1 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.

18.2 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed in Schedule 4 of the Licensing Act 2003.

18.3 Where a representation is received from the Police the Licensing Authority must hold a hearing unless the Police and the authority agree that it is unnecessary..The

application must be rejected if it is considered appropriate for the promotion of the crime prevention objective and granted in any other case.

- 18.4 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.
- 18.5 The Licensing Authority requires all personal licence holders to advise if there is a change of their name or address in accordance with the Act. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 20 working days of a notification of change.
- 18.6 The Licensing Authority anticipates that the Magistrates' and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and notify the Licensing Authority of any action taken in respect of a personal licence.
- 18.7 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

19 TEMPORARY EVENT NOTICES

- 19.1 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 19.2 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have considered any potential impacts and how they may be mitigated.
- 19.3 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 19.4 There are two types of TEN, Standard or Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There is also a numerical limitation on the number of TENs that may be served in respect of individual premises or place.
- 19.5 **Standard TEN.** A standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. The fee is payable only to the Licensing Authority. Applicants are

encouraged to serve TENs at least 28 days before the proposed events to allow greater time for an event to be planned.

- 19.6 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.
- 19.7 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice.
- 19.8 **Late TEN.** A late TEN may be served between 9 and 5 working days before a proposed event commences. The same limitations apply to the day the notice was served and the day of the event. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised.
- 19.9 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and would be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines.
- 19.10 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised. A refund of the fee will not be made.
- 19.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.12 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.
- 20 **OTHER RELEVANT MATTERS**
- 20.1 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 20.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original application specified that such adult entertainment was proposed to be provided.
- 20.3 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.

20.4 This authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
- gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
- the premises are mainly used for gaming; or
- an offence under the GA2005 has been committed on the premises.

20.4 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.

20.5 In determining such matters, consideration will be given to all the objectives but particularly the need to protect children from harm and to the need to protect vulnerable persons from harm or being exploited by gambling. The applicant will be required to satisfy the authority that there will be sufficient measures to ensure that minors do not have access to the adult only gaming machines.

20.6 Measures to satisfy the authority relate to restricting access to age restricted machines and adult machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by minors. Notices and signage should also be displayed to this effect. Applicants may consider the provision of information leaflets and helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons and compliance with Codes of Practice issued by the Gambling Commission.

20.7 **Gambling in alcohol 'On' licensed premises.** Exempt gaming is equal chance gaming that is generally permissible in any club or alcohol licensed premises. Equal chance gaming includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker. Such gaming should be ancillary to the purposes of the premises.

20.8 This exemption is automatically available to all clubs or alcohol licensed premises, but is subject to statutory stakes and prize limits determined by the Secretary of State. Licensees are encouraged to seek advice from the Gambling Commission at www.gamblingcommission.gov.uk or this Licensing Authority before providing any forms of gambling at alcohol licensed premises.

20.9 New heading

20.10 Licensees should consider appropriate arrangements for customers who wish to smoke outside the premises in an effort to ensure that any unlicensed pavement area are not also used as allocated smoking area. This is to prevent nuisance and potential health harms to any non-smokers who may use the area.

21 INFORMATION

21.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Maidstone Borough Council website www.maidstone.gov.uk or by contacting the licensing team by email (licensing@maidstone.gov.uk), or by telephone on 01622 602028

APPENDIX A

Maidstone is the County Town of Kent situated in the heart of the “Garden of England”. Maidstone Borough includes a variety of picturesque rural villages. Maidstone town has a vibrant retail centre, historic attractions and is a popular visitor destination with a busy day, evening and night time economy, and many cultural and leisure activities.

SOUTH EAST ENGLAND



There are 507 premises licences and 33 club premises certificate issued to businesses associated with the Licensing Act provisions. There are 461 licences that allow the sale of alcohol, 98 are on sales only, 142 are off sales only and 222 that allow both on and off sales. There are 321 premises licensed for late night refreshment. This premises includes Leeds Castle which holds cultural events and evening concerts during the summer months, the Lockmeadow Leisure Complex providing multi-screen cinema, restaurants and a night club, the Hazlitt Theatre and Exchange Complex, the County Agricultural Showground at Detling, Mote Park which has staged many popular music events and many premises such as restaurants, hotels, public houses, village halls and community centres in the rural area. There were also 386 Temporary Event notices dealt with in 2014/15

Tourism along with economic development works to deliver the Council’s key priority of prosperity, by attracting visitor expenditure to the local economy, by the promotion of Maidstone as an attractive location for inward investment and through support for existing and start-up tourism businesses. This works in partnership with the Council’s priority of Quality Living by engendering community pride in Maidstone and improving the quality of life.

Maidstone has a population of 155,143 people (2011 census) comprised of the following:

Maidstone

no	%
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27	
156	

Under 16	29667	19.1
16 to 19	7385	4.8
20 to 29	18274	11.8
30 to 59	63102	40.6
60 to 74	24470	15.8
75 and over	12245	7.9

In Maidstone, violence against the person increased from 1,889 offences in 2012/13 to 2,349 offences in 2013/14 (+24.4%). This rate of increase is below the county increase and shows a peak during the summer months. Maidstone is ranked 6th in the county, the same ranking as 2012/13.

For community safety it is important to state that its aim is to create safer communities in the Borough by reducing crime and disorder in a cost effective way, through involving the community and partnership working. In December 2006 the Council made Designation Orders under the provisions of the Criminal Justice and Police Act 2001 (as amended by the Licensing Act 2003) in relation to alcohol consumption in public places.

The Council were satisfied that nuisance or annoyance had been caused to the public or disorder caused, associated with the consumption of alcohol. The Orders provide the Police with the power to require consumption to cease and confiscate containers. The areas covered by the Orders included:-

- Area 1 – Town Centre Maidstone
- Area 2 – Snowdon Parade, Vinters Park
- Area 3 – Mote Park, Maidstone
- Area 4 – Northumberland Court, Maidstone
- Area 5 – Cumberland Green, Maidstone
- Area 6 – Barming Recreation Ground (also known as Barming Heath)
- Area 7 – Parkwood Green, Maidstone

These will be reviewed and consideration given to Public Spaces Protection Orders (PSPOs) under new legislation as appropriate.

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Appendix B

Contact details of Local Authority Licensing Department as at 11.06.2015

<p>Lorraine Neale Senior Licensing Officer Email: lorraineaneale@maidstone.gov.uk Telephone: 01622 602028</p>	<p>Louise Davis Licensing Officer louisedavis@maidstone.gov.uk Telephone: 01622 602727</p>
<p>Licensing Department Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Licensing Partnership Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP</p> <p>Web; www.maidstone.gov.uk/business/licencesandpermits Email: licensing@maidstone.gov.uk Telephone: 01622 602028</p>	

See the Maidstone Borough Council Website www.maidstone.gov.uk for details of the Town and Parish Councils within the Borough. Details of your local Councillors may also be obtained from the website.

Information on licensing applications being processed is available on the licensing pages of Maidstone Borough Council's website www.maidstone.gov.uk or the Licensing Partnership website at Sevenoaks District Council website www.sevenoaks.gov.uk

Appendix C
Responsible Authorities

<p>Kent Fire & Rescue Service Asst Divisional Officer Maidstone Fire Safety Loose Road Maidstone Kent ME15 6QD</p>	<p>Maidstone & Malling Police Divisional Licensing Coordinator Community Safety Unit Tonbridge and Malling Borough Council Gibson Drive Kings Hill West Malling</p>
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<p>Tel: 01622 774126 Email: maidstone.firesafety@kent.fire-uk.org</p>	<p>ME19 4LZ Tel: 01622 604296 Email: west.division.licensing@kent.pnn.police.uk</p>
<p>Trading Standards Kent County Council 1st Floor, Invicta House County Hall Maidstone Kent. ME14 1XX</p> <p>Tel: 03000 412000 TSwest@kent.gov.uk</p>	<p>Social Services Kent County Council Social Services Mid Kent Area, District Office Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 691640 Fax: 01622 691135</p>
<p>Local Planning Authority Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602736 or 602737 Email: DevelopmentControl2@maidstone.gov.uk</p>	<p>Public Health Kent Kent Public Health Department Room 3.45, Sessions House, County Hall, County Road Maidstone Kent ME14 1XQ</p> <p>Tel: 0300 333 6379 Gillian.Montgomery@kent.gov.uk</p>
<p>Director of Resources and Partnerships Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602364</p>	<p>Environmental Health Maidstone Borough Council Maidstone House King Street Maidstone Kent ME15 6JQ</p> <p>Tel: 01622 602111 Email: Enforcementoperations@maidstone.gov.uk</p>
<p>FOR VESSELS ONLY – ALSO SEND TO: Environment Agency Kent Area Office Orchard House Endeavour Park London Road Addington West Malling Kent ME19 5SH Tel: 08708 506506 Website: www.environment-agency.gov.uk Email: enquiries@environment-agency.gov.uk</p>	<p>FOR VESSELS ONLY – ALSO SEND TO: Environment Agency Kent Area Office Orchard House Endeavour Park London Road Addington West Malling Kent ME19 5SH Tel: 08708 506506 Website: www.environment-agency.gov.uk Email: enquiries@environment-agency.gov.uk</p>

Appendix D

References to guides of best practice

Revised guidance issued under section 182 of Licensing Act 2003

www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics

www.ioa.org.uk

Good Practice Guide: Licensing published jointly by the Justices' Clerks' Society and the Magistrates' Association (April 1999)

www.magistrates-association.org.uk

Code Of Practice And Guidance Notes On Noise Control For Concerts And Outdoor Events

www.cieh.org/policy/noise_council_environmental_noise.html

Maidstone Borough Council Event Planning (SAG)

www.maidstone.gov.uk/residents/events/event-planning

The National Alcohol Harm Reduction Strategy Toolkit

www.alcoholconcern.org.uk

The Point of Sale Promotions published by BBPA

www.beerandpub.com

Public Places Charter

www.ash.org.uk

National Pubwatch

www.nationalpubwatch.org.uk

Appendix E

Contact details and useful addresses (e.g. Chamber of Trade, BBPA, BII, SIA etc.)

<p>Maidstone Chamber of Commerce Innovation Centre Medway Maidstone Road Chatham Kent ME5 9FD Phone: 01634 565 162</p>	<p>Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD Information line: 0870 90 90 811 Website: https://www.gov.uk/disclosure-barring-service</p>
<p>British Beer & Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR Tel: 020 7627 9191 Fax: 020 7627 9123 contact@beerandpub.com Press Office: 020 7627 9199</p>	<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT Tel: 01276 684 449 Fax: 01276 23045 www.bii.org Email: reception@bii.org</p>
<p>SIA PO Box 49768 London. WC1 V6WY Website: www.the-sia.org.uk Tel: 0844 892 1025 Fax: 0844 892 0975</p>	

Appendix F - Recommended delegation of functions as per S182 of the guidance

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a police objection	If no objection made
Application for a 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	If no objection made
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a police objection	If no objection made
Applications for interim authorities		If a police objection	If no objection made
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint 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 for a minor variation			All cases

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CONSULTATION

The consultation period will run for a period of 12 weeks from 15 June 2015 – 6 September 2015.

Consultees will be contacted by e-mail, letter and a link will be made available on the Council website

The following parties will be consulted in relation to this Policy:

- the Chief Officer of Police for Kent
- the fire and rescue authority for Kent
- the Director of Public Health for all areas within Maidstone Borough
- persons/bodies representative of local premises licence holders
- persons/bodies representative of club premises certificate holders
- persons/bodies representative of local personal licence holders; and
- persons/bodies representative of businesses and residents in the MB area
- Kent Police Licensing Team
- the Superintendent of Police for Maidstone Borough Council area
- all Council members
- all parish councils
- all bordering local authorities
- all other responsible authorities under the Licensing Act 2003
- members of the public who requested to be consulted and have responded previously.
- British Beer & Pub Association

Agenda Item 13

Licensing Committee

11th June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Implications for the Licensing Partnership following the Report of Inspection of Rotherham Metropolitan Borough Council by Louise Cassey CB – February

Final Decision-Maker	Licensing Committee
Lead Director or Head of Service	John Littlemore
Lead Officer and Report Author	Claire Perry
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. The Committee agrees to implement the proposed actions contained within the report.

This report relates to the following corporate priorities:

- Great People
- Great Place
- Great Opportunity

Timetable – N/A

Meeting	Date
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

Implications for the Licensing Partnership following the Report of Inspection of Rotherham Metropolitan Borough Council by Louise Cassey CB – February

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Following the publication of the report by Louise Cassey CB this report examines how the findings relate to taxi and private hire licensing and considers the issue of safeguarding children in the light of lessons learned from Rotherham.

2. INTRODUCTION AND BACKGROUND

2.1 Louise Cassey was appointed by the Government to investigate how well Rotherham Metropolitan Borough Council was performing following the uncovering of widespread child sexual exploitation. Louise Cassey reported that Rotherham Metropolitan Borough Council [RMBC] was an authority in denial and 'not fit for purpose'. Part of Louise Cassey's report highlighted shortcomings in the taxi and private hire licensing service. This report is intended to examine what were reported as shortcomings in Rotherham's taxi and private hire licensing service and ensure that this Council's Licensing Partnership has measures in place to minimise similar events and errors of judgement exhibited by officers and councillors associated with the service.

2.2 Professor Alexis Jay's Independent Inquiry into Child Sexual Exploitation in Rotherham was commissioned by Rotherham Metropolitan Borough Council in October 2013 and published on 26th August 2014. Covering the periods of 1997-2009 and 2009 - 2013, it looked at how Rotherham Metropolitan Borough Council's (RMBC) Children's Services dealt with child sexual exploitation cases.

2.3 Following on from this inquiry on the 10th September 2014, the Secretary of State appointed Louise Casey CB under section 10 of the Local Government Act 1999 to carry out an inspection of the compliance of Rotherham Metropolitan Borough Council with the requirements of Part 1 of that Act, in relation to the Council's exercise of its functions on governance, children and young people, and taxi and private hire licensing.

2.4 The investigations revealed:

- a council in denial about serious and on-going safeguarding failures;
- an archaic culture of sexism, bullying and discomfort around race;
- failure to address past weaknesses, in particular in Children's Social Care;
- weak and ineffective arrangements for taxi and private hire licensing which leave the public at risk;
- ineffective leadership and management, including political leadership;
- no shared vision, a partial management team and ineffective liaison with partners;

- a culture of covering up uncomfortable truths, silencing whistle-blowers and paying off staff rather than dealing with difficult issues.
-

3. ISSUES WITHIN THE ROTHERHAM REPORT SPECIFICALLY RELATED TO TAXI AND PRIVATE HIRE LICENSING

3.1 RMBC – A divided service

3.2 The review of Rotherham’s licensing service portfolio found that it covered eight other licensing functions including gambling, alcohol and licensed takeaways. The taxi service was divided into two branches:

- the Policy team dealt with policy, applications, renewals, suspensions and revocations
- The Enforcement team dealt with complaints and investigations

3.3 Splitting these functions is not common in other licensing authorities. Inspectors found evidence of conflict between the two branches, notably on what kind of evidence could be presented when the Licensing Board met to consider whether to revoke or suspend a licence.

3.4 The two branches of licensing used different databases which did not interface, so information was not easily shared between the separate Policy and Enforcement teams. This meant that driver or operator records could not be viewed in a single place, requiring officers to request information from each other that sometimes resulted in a licence being renewed without question when in fact the driver was being investigated following a complaint.

3.5 Inspectors found that enforcement staff did not always record complaints or information gathered on these data systems. This inconsistent recording of information about complaints resulted in data on driver performance and conduct not being collected, trends were not identified and the track record of individual drivers (for example identifying a series of complaints) may not have been available at the point of licence renewal.

3.6 Meetings were rarely held across the two parts of the service and some officers said that the visibility of senior leaders was poor. One officer stated that they had seen them for the first time at a briefing meeting shortly before Inspectors arrived.

3.7 **Licensing Partnership Maidstone, Sevenoaks & Tunbridge Wells:** Despite operating across three offices the Licensing Partnership works as one team with messages and direction delivered to all staff. Policies are consistent where appropriate and are available to all staff. The service manager ensures that the processing of applications, investigation of complaints, and compliance work is carried out in a consistent manner across the three authorities.

- 3.8 A single shared database is utilised for all members of the team and fully accessible to everyone within the Licensing Partnership and in appropriate circumstance to specific external partners, such as the Police.
- 3.9 **Proposed Action** – The partnership should further develop the ‘Service Request’ module of the Licensing Uniform software to be able to record complaints independently from the taxi driver/vehicle/operator/premises record and then link the individual service request to the appropriate record. Currently, complaints are recorded in the IVA screen for the record but can be difficult to find within the record for the driver/vehicle/operator or premises.
- 3.10 **RMBC – Lack of Policy**
- 3.11 Inspectors found that RMBC was not fit for purpose as the licensing service appeared to have few written policies and attempts to adopt new policies had been stymied by interested parties. Inspectors found that the Council’s bye-laws and conditions relating to vehicle, taxi driver and operator licences had not changed since 1976, supporting the view that policies were inadequate.
- 3.12 **Licensing Partnership Maidstone, Sevenoaks & Tunbridge Wells:** Maidstone Borough Council is the only authority within the Partnership that does not currently have a single policy document bringing together all the policy decisions. However, the authority has already taken steps to address this and the Taxi and Private Hire Policy is currently being consulted on with the trade, members of the public and other interested parties. Two meetings have been arranged to engage in direct consultation with a wide range of consultees.
- 3.13 Sevenoaks District Council is currently drafting its revised policy and will be following the Maidstone policy as closely as possible to achieve the greater harmonisation objective that is part of the Service Plan for the partnership. They will also be engaging in a similar exercise for the consultation process.
- 3.14 Tunbridge Wells Borough Council has a policy in place which has seen a number of challenges and revisions during the past two and a half years since its publication and is due to be revised in 2016.
- 3.15 **Proposed action** - The Partnership has an objective to seek greater harmonisation where appropriate and there remains further work to be undertaken. It would be preferable for the three policies to be further aligned to help reduce the risk of human error in processing applications and for the policies to meet the recommendations made in the Law Commission’s report, for example moving to 5 year Private Hire Operator Licences. Proposals to enable this to happen will be presented to the Committees at each authority.
- 3.16 Currently the Maidstone Borough Council and Sevenoaks District Council policies are being drafted alongside one another to achieve further harmonisation. In some cases this will not be possible. For example all Maidstone Hackney Carriage vehicles are wheelchair accessible whereas this is not the case for Sevenoaks District Council. However, proposals will be inserted into the Sevenoaks policy to move towards more wheelchair accessible vehicles.

3.17 RMBC – Trade influence and role of Members

- 3.18 Inspectors heard testimony that the private hire trade in Rotherham is both vocal and demanding, which resulted in some officers expressing the view that the licensing service seemed more geared towards facilitating the trade than protecting the public.
- 3.19 Some elected members added to this pressure in support of the trade. Some councillors who had previously held taxi licences or ‘badges’ sat on the Licensing Board. At one point, the Board had been reluctant to hear any cases not related to matters showing up on DBS checks. That meant that when there were no actual convictions the Board would not suspend or revoke licences.
- 3.20 Licensing officers reported to Inspectors that they had received phone calls from elected members over perceived delays in the processing of individual applications. Officers would be urged to ‘stop wasting time’. This resulted in licences being granted without the full checks having been completed.
- 3.21 There are instances of elected members making representations on behalf of the trade or individual drivers. For example, one Councillor wrote to the Crown Court offering a reference on behalf of a driver who had his licence revoked. In addition the practice of vehicle spot checks without prior notice was changed to ‘10-day notice’ checks after representations from the trade and following the intervention of an elected member.
- 3.22 **Licensing Partnership Maidstone, Sevenoaks & Tunbridge Wells:** All three authorities engage with the trade but there is no evidence that undue influence is exerted on staff or Licensing Committee members; or that elected members are applying pressure on staff to make inappropriate decisions in support of the taxi trade. A peer review of Maidstone’s Licensing function by the LGA did not raise any concerns around the activity of elected members or the trade in unduly influencing officers carrying out their duties
- 3.23 Training is carried out every year for new Members and also there is refresher training for the existing Members.
- 3.24 All staff have monthly 1:1 meetings where workload is discussed and if there is an issue regarding workload it is addressed.

3.25 RMBC - Complaints and investigations

- 3.26 The report highlighted major concerns over the licensing service’s ability to undertake thorough investigations giving rise to a perception of undue weight being given to the need to protect drivers' livelihoods over and above that of public safety.
- 3.27 **Licensing Partnership Maidstone, Sevenoaks & Tunbridge Wells:** All complaints are thoroughly investigated in accordance with the Kent and Medway Licensing Compliance and Enforcement Protocol and these investigations include liaison with partners including the Police and Kent County

Council where there is a contract for a 'school run'. Where possible investigations are made following anonymous complaints, however without the ability to follow up on receipt of information by their nature these investigations are limited.

3.28 The Licensing Partnership represents some of the few authorities in Kent that participate in Operation Coachman. This is a joint compliance operation that takes place 2 to 3 times a year with KCC transport service (the authority responsible for managing and awarding contracts for school transportation), the Police vehicle inspection unit and VOSA. These operations enable the authorities to ensure compliance with the Licensing Policies but also provide the ability to follow up on complaint allegations.

3.29 **Proposed Action** – It is managers' current practice to discuss complaint investigations at 1:1 meetings with staff but following the recommendations made by Louise Casey's team it is proposed to ensure all members of staff are reminded to record complaints and also to ensure that all discussions regarding the investigation of complaints are documented and shared. More generally this issue will also be incorporated into the wider review of the Council's safeguarding policy.

3.30 RMBC – Pressure on staff

3.31 There was an issue regarding long term sickness at RMBC within the enforcement team and unresolved contractual arrangements which meant that there was little enforcement on taxis particularly around the night time economy.

3.32 **Licensing Partnership Maidstone, Sevenoaks & Tunbridge Wells:** Compliance and enforcement is carried out at all three authorities including during the evening. Maidstone officers target their work from midnight to 3 am to ensure the busy night time economy is covered, as this is a time period where risk is increased due to the intoxicated condition of some visitors to Maidstone's town centre.

All checks are recorded and follow up letters/action is taken as appropriate.

In addition to the points raised above the following should be considered:

- Below is an excerpt from the driver licence application form that all new and renewal drivers must complete. The same information is requested for Private Hire Operators. The complete application form is attached in Appendix I.

Have you ever been convicted during the past three years of any motoring offence?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Are you disqualified by any Court from holding or obtaining a driving licence?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
<i>If you have seven or more penalty points on your driving licence your application may be refused; it will depend upon the nature of the offences.</i>	
Have you ever held a Hackney Carriage or Private Hire Driver's licence	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

If "yes" which Authority was it with? _____		
Badge number: _____		
If "yes" indicate which of the following is applicable:		
Current	<input type="checkbox"/>	Revoked <input type="checkbox"/> Suspended <input type="checkbox"/> Expired <input type="checkbox"/> Surrendered <input type="checkbox"/>
In any instance of a licence being held which type		
Hackney Carriage	<input type="checkbox"/>	Private Hire <input type="checkbox"/> Dual <input type="checkbox"/>

3.33 If any of the sections highlighted in yellow are completed as "yes" the application is referred to the Licensing Officer for further enquiries to be made to ensure the Licensing Officer is satisfied the applicant is a 'fit and proper' person.

- All applicants (new and renewal) are required to undertake an Enhanced Disclosure Barring Service search. Currently this is every 4 years at Maidstone but there is a proposal within the Taxi and Private Hire policy to bring this process in line with the other authorities within the Licensing Partnership to carrying out the search on renewal (every 3 years).
- Details of an applicant are shared with Officers within Her Majesty's Immigration Service to ensure applicants have a right to work in the country.
- Applicants are advised on making their application that their details will be shared with other agencies to prevent and detect fraud.
- Members of staff within the Licensing Partnership have undertaken safe guarding training.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The council should review its policy and practice with regard to taxi and private hire licensing following the report carried out by Louise Casey and her team into the activities at Rotherham Metropolitan Council. The alternative is not to carry out a review but this could lead to the same serious failings that were highlighted in Rotherham.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.1 The actions proposed in this report will be incorporated into the action plan already adopted by the Licensing Committee following the LGA peer review.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
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Impact on Corporate Priorities	Safe guarding training	Head of Service
Risk Management	Contained in the body of the report	Head of Shared Audit Service
Financial	There are no significant financial implications arising from this report.	Section 151 Officer
Staffing	Training implications noted in the report	
Legal	Noted within the report	Head of Legal Services
Equality Impact Needs Assessment		
Environmental/Sustainable Development		
Community Safety	Contained in the body of the report	
Human Rights Act		
Procurement		
Asset Management		

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix I: Driver Licence application form

8. BACKGROUND PAPERS

Report of Inspection Rotherham Metropolitan Borough Council - https://www.gov.uk/.../46966_Report_of_Inspection_of_Rotherham_WEB.pdf



OFFICE USE ONLY	
Amount paid	
Receipt number	
Date	

APPLICATION FOR A HACKNEY CARRIAGE / PRIVATE HIRE / DUAL DRIVER LICENCE

**PLEASE READ THE QUESTIONS CAREFULLY BEFORE COMPLETING THE FORM.
PLEASE USE BLOCK CAPITALS**

Local Authorities must protect funds they handle and so the information you have provided on this form may be used to detect and prevent fraud. The information may also be shared for the same purposes, with other organisations which handle public funds including the Audit Commission to be used as part of the National Fraud Initiative. Your personal data will also be shared with the local authorities, which make up the Licensing Partnership, for the purpose of processing your licensing application. Your personal data will not be used for any other purpose without your prior consent, except as permitted under the Data Protection Act 1988.

Please state which Licensing Authority you are applying to operate within (*please note one application form per authority*):

Maidstone Borough Council		Sevenoaks District Council		Tunbridge Wells Borough Council	
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Please state which type of licence you are applying for (*note that only one application per vehicle may be made per form*)

Hackney Carriage		Private Hire		Dual	
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New application	
Renewal application	
Expiry date of existing licence	

PART 1	GENERAL (Sole or Principal Applicant to complete in all cases)		
Surname		Forename (s)	
Any previous or other name			
Current home address:	_____ _____ _____		
Post code:	_____		
<i>All previous addresses and dates of occupancy must be provided if you have lived under 5 years at your current address.</i>			
Home telephone number:	Email address:		

Mobile telephone number:	Fax number:
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PART 2	DRIVER DETAILS (Applicant to complete this part if he/she wishes to drive a vehicle licensed by one of the authorities of the Licensing Partnership)
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National Insurance number	Date of birth
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Type of Driving Licence held
 Full UK Other

This licence has been held continuously since (enter date): _____

If 'other' what type of licence?

UK driving licence number: _____ Date of issue: _____

Expiry date of licence: _____

Have you ever been convicted during the past three years of any motoring offence?

Yes No

Are you disqualified by an Court from holding or obtaining a driving licence?

Yes No

If you have seven or more penalty points on your driving licence your application may be refused; it will depend upon the nature of the offences.

Have you ever held a Hackney Carriage or Private Hire Driver's licence

Yes No

If "yes" which Authority was it with? _____

Badge number: _____

If "yes" indicate which of the following is applicable:

Current Revoked Suspended Expired Surrendered

In any instance of a licence being held which type

Hackney Carriage Private Hire Dual

Name of company you will be driving for:
(if you will not be driving for a company please state 'independent')

PART 3	PREVIOUS CONVICTIONS (If any)
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State below details of your conviction/cautions (if any) for any offence (including pending Court appearances), whether driving or other offences.

If there are none state 'NONE'. Please note that taxi drivers are not subject to the Rehabilitation of Offenders Act 1974 and you should give details of all convictions, including spent convictions and cautions as well as any pending matters.

If you would like to discuss what effect a conviction might have on your application you may telephone the Licensing Officer, in confidence, for advice on:

Maidstone - 01622 602255

Sevenoaks - 01732 227004

Tunbridge Wells - 01892 554034

Date of conviction/caution	Offence	Court	Sentence or Order

PART 4	GENERAL DECLARATION		

IMPORTANT I declare that all the answers given above are true. I understand that it is an offence under Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976 for any person to knowingly or recklessly make a false statement or omit any material particular in giving the required information.

Applicants signature:		Date:	
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Please enclose/produce the following documents with your application	OFFICE USE ONLY
UK Driving Licence (if you have a photo card licence you must produce both parts)	<input type="checkbox"/>
Disclosure and Barring Service (DBS) completed check form	<input type="checkbox"/>
Licence fee	<input type="checkbox"/>
Items/documents to be considered as part of the application	
Medical Certificate	<input type="checkbox"/>
DVLA Mandate form	<input type="checkbox"/>
DBS Update service – Please provide your DBS Registration ID number	ID no:
*Driving Standards Agency test (DSA test) or *Transport Training test – new applicants only (<i>please * delete as applicable</i>)	<input type="checkbox"/> Date passed: _____
Topography / Knowledge test – new applicants only	<input type="checkbox"/> Date passed: _____ Routes score: _____ Streets score: _____
For Tunbridge Wells applicants – new applicants only	Seminar arranged on: _____ Seminar attended yes <input type="checkbox"/> no <input type="checkbox"/>

Please telephone 01732 227004 for the up to date fee for the relevant Licensing Authority or go to the website for the relevant Licensing Authority.

Please return the completed form and fee at least ten working days before the renewal date, to:

**The Licensing Partnership,
P.O. Box 182,
Sevenoaks, Kent,
TN13 1GP**

(cheques must be made payable to 'Sevenoaks District Council')

You may have copies taken of your documentation at:

Maidstone Gateway between the hours of 10:00 – 13:00 hours Monday to Thursday.
Tunbridge Wells Gateway between the hours of 08:30 – 12:30 hours Monday to Friday.
Sevenoaks reception, Argyle Road between the hours of 08:45 – 17:00 hours Monday to Thursday and 08:45 – 16:45 hours on Friday.

Note

New applicants: All new applicants will need to arrange an interview with the relevant Licensing Officer for the authority in which they wish to drive. Please see the telephone numbers above.

Renewals: If, for whatever reason, there is a delay in submitting your application form in good time we may not be able to process your application in time for its renewal. We would recommend that you submit the application at the earliest opportunity

EQUAL OPPORTUNITIES MONITORING

We are asking you to complete this section as part of our equal opportunities monitoring. We wish to ensure we are treating all sections of the population equally, to which of these groups do you consider you belong to (PLEASE TICK ONE BOX)

<p style="text-align: center;">WHITE</p> <p>British <input type="checkbox"/></p> <p>Irish <input type="checkbox"/></p> <p>Any other white background <input type="checkbox"/></p> <p>(PLEASE WRITE IN)</p>	<p style="text-align: center;">BLACK OR BLACK BRITISH</p> <p>Caribbean <input type="checkbox"/></p> <p>African <input type="checkbox"/></p> <p>Any other black background <input type="checkbox"/></p> <p>(PLEASE WRITE IN)</p>
<p style="text-align: center;">MIXED</p> <p>White & Black Caribbean <input type="checkbox"/></p> <p>White & Black African <input type="checkbox"/></p> <p>White & Asian <input type="checkbox"/></p> <p>Any other mixed background <input type="checkbox"/></p> <p>(PLEASE WRITE IN).....</p>	<p style="text-align: center;">ASIAN OR ASIAN BRITISH</p> <p>Indian <input type="checkbox"/></p> <p>Pakistani <input type="checkbox"/></p> <p>Bangladeshi <input type="checkbox"/></p> <p>Any other Asian background <input type="checkbox"/></p> <p>(PLEASE WRITE IN).....</p>
<p>Chinese <input type="checkbox"/></p>	<p>Other ethnic group <input type="checkbox"/></p> <p>(PLEASE WRITE IN).....</p>
<p>Unwilling to respond <input type="checkbox"/></p>	<p>GRANTED/REFUSED</p>
<p>Do you consider yourself disabled YES <input type="checkbox"/> NO <input type="checkbox"/></p>	