

For the period 31 January 2016  
to 30 January 2021

# Appendices

## Statement of Licensing Policy

### Licensing Act 2003



**If you would like this information in large print, Braille or another language, please contact 01702 318111.**

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## Appendix A – Glossary of Terms

### ‘Licensable Activity’ and Qualifying Club Activities

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club;
- the provision of regulated entertainment;
- the provision of late night refreshment.

The following licensable activities are also qualifying club activities:

- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club for consumption on the premises where the supply takes place;
- the sale by retail of alcohol by or behalf of the club to a guest of a member of the club for consumption on the premises where the sale takes place;
- the provision of regulated entertainment where that provision is by or on behalf of a club for members of the club or members of their club and guests.

### Regulated Entertainment

- a performance of a play
- an exhibition of a film
- an indoor sporting event
- a boxing or wrestling entertainment indoor and outdoor
- a performance of live music
- any play of recorded music
- a performance of dance
- entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance but only where the entertainment takes place in the presence of an audience and is provided for the purpose (or for purposes which include the purpose) of entertaining that audience.

This definition is subject to Part 3 of Schedule 1 of the Licensing Act 2003.

### **Late Night Refreshment**

- The provision of hot food or hot drink to members of the public, or a section of the public, on or from any premises, whether for consumption on or off the premises between 11.00 p.m. and 5.00 am; or
- At any time between those hours when members of the public, or a section of the public, are admitted to the premises, a person supplies, or holds himself willing to supply, hot food or hot drink to any persons, or to persons of a particular description, on or from those premises, whether for consumption on or off the premises.

### **Hot Food or Hot Drink**

- Food or drink supplied on or from any premises is ‘hot’ for the purposes of Schedule 2 of the Act if the food or drink, or any part of it:
  - before it is supplied, is heated on the premises or elsewhere for the purpose of enabling it to be consumed at a temperature above the ambient air temperature and, at the time of supply, is above that temperature; or
  - after it is supplied, may be heated on the premises for the purpose of enabling it to be consumed at a temperature above the ambient air temperature.

### **Permitted Temporary Activity**

- One or more licensable activities that is carried on in accordance with a Temporary Event Notice.

### **Premises**

- Any place including a vehicle, vessel or moveable structure.

### **Licensed Premises**

- Premises in respect of which a premises licence has effect.

### **Premise’s Licence**

- The licence that, having regard to the operating schedule, has been granted in respect of specified premises authorising the type and duration of licensable activity permitted.

### **Temporary Event Notice**

- A notice, issued by the ‘premises user’ where it is proposed to use premises for Permitted Temporary Activity during a period not exceeding 168 hours (seven days), that includes details of:
  - the propose licensable activities;
  - the period (not exceeding 168 hours) during which it is proposed to use the premises;

- the times during that period when it is proposed for those licensable activities to take place;
- the maximum number of persons (being less than 500) it is proposed will be allowed on the premises during those times;
- where alcohol is to be supplied, whether it is for consumption on or off the premises, or both.

It should be noted that:

- the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- the number of notices that may be given are limited to 50 (10 of these can be late TENS) in one year for a Personal Licence holder and five (two of these can be late TENS) times in one year for any other person.

### **Personal Licence**

- A licence which:
  - Is granted by a licensing authority to an individual, and
  - authorises that individual to supply alcohol, or authorise the supply of alcohol, in accordance with a premises licence.
  - For the purposes of the Act an individual is supplying alcohol if he is:
    - selling alcohol by retail; or
    - supplying alcohol by or on behalf of a club to, or to the order of, a member of the club.

### **Designated Premises Supervisor**

- In the case of premises selling alcohol, the person (who must be a Personal Licence holder) who will normally have been given the day-to-day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holders themselves.

### **‘Operating Schedule’**

- A document containing a statement of the following matters (and any others that may be prescribed):
  - the relevant Licensable Activities conducted on the premises;
  - the times during which it is proposed that the relevant licensable activities are to take place (including the times during each day of the week, during particular holiday periods and during particular seasons, if it is likely that the times would be different during different parts of the year);

- any other times when the premises are to be open to the public;
- where the licence is required only for a limited period, that period;
- where the licensable activities include the supply of alcohol, the name and address of the individual to be specified as the designated premises supervisor;
- where the licensable activities include the supply of alcohol, whether the alcohol will be supplied for consumption on or off the premises or both;
- the steps which the applicant proposes to take to promote the licensing objectives.

**Responsible Authority (for Rochford District)**

- the Chief Officer of Police (Divisional Commander of South-eastern Police Division);
- Essex County Fire & Rescue Service;
- Environmental Health (responsible for Health and Safety at work and for minimising or preventing the risk of pollution of the environment or of harm to human health);
- Planning & Transportation (the local planning authority);
- Health Bodies (Primary Care Trust);
- Essex Safeguarding Children Board (the body representing matters relating to the protection of children from harm);
- Licensing Authority;
- in relation to a vessel, a navigation authority, the Environment Agency, or the British Waterways Board.



## Appendix B – Exemptions

The following activities are not regarded as Regulated Entertainment and are exempt for the purposes of the Act:

- **Incidental Music** – the performance of live music or the playing of recorded music if it is incidental to some other activity;
- **Incidental film** – an exhibition of moving pictures if it is incidental to some other activity;
- A spontaneous performance of music, singing or dancing;
- **Garden fetes** – or similar if not being promoted or held for purpose of private gain;
- Films for advertisement, information, education or in museums or art galleries;
- Television or radio broadcasts – as long as the programme is live and simultaneous;
- **Vehicle in motion** – at a time when the vehicle is not permanently or temporarily parked;
- Games played in pubs, youth clubs etc. (e.g. pool, darts and table tennis);
- Stand up comedy; and
- Provision of entertainment facilities (e.g. dance floors);

As a result of deregulatory changes that have amended the Licensing Act 2003, no licence is required for the following:

- **Plays:** performances between 08:00 – 23:00 on any day provided the audience does not exceed 500.
- **Dance:** performances between 08:00 – 23:00 on any day provided the audience does not exceed 500. Any dance that is adult entertainment remains licensable.
- **Films:** “not for profit” film exhibition held in community premises between 08:00 – 23:00 on any day provided the audience does not exceed 500 and the organiser
  - gets consent to the screening from a person who is responsible for the premises; and
  - ensures that each such screening abides by age classification rating.
- **Indoor sporting event:** an event between 08:00 – 23:00 on any day, providing that those present does not exceed 1000.

- **Boxing and Wrestling Entertainment:** a contest, exhibition or display of Greco – Roman wrestling or freestyle wrestling between 08:00 – 23:00 on any day, providing the audience does not exceed 1000.
- **Live music:**
  - A performance of unamplified live music between 08:00 – 23:00 on any day, at any premises.
  - A performance of amplified live music between 08:00 – 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500. Provided that a number of other conditions are satisfied (see paragraphs 15.38 – 15.43 of the Home Office guidance 182 Licensing Act 2003).
  - A performance of amplified live music between 08: 00 - 23:00 on any day, in a workplace (The Live Music Act 2012 provides that if premises are licensed under the 2003 Act, they cannot also be treated as a workplace for the purpose of the 2012 Act) that is not licensed to sell alcohol on those premises, provided the audience does not exceed 500.
  - A performance of amplified live music between 08;00 – 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed to sell alcohol. Provided that:
    - (a) the audience does not exceed 500; and
    - (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - A performance of amplified live music between 08:00 – 23:00 on any day, at the non-residential premises of:
    - (a) a local authority; or
    - (b) a school; or
    - (c) a hospital, provided that:
      - (i) the audience does not exceed 500; and
      - (ii) the organiser gets consent for the performance on the relevant premises from:
        - (a) the local authority concerned; or
        - (b) the school; or
        - (c) the health care provider for the hospital.

- **Recorded Music:**
  - Any playing of recorded music between 08:00 – 23:00 on any day on any premises authorised to sell alcohol for consumption on those premises, providing the audience does not exceed 500. (Provided that a number of other conditions are satisfied (see paragraphs 15.38 – 15.43 of the Home Office guidance 182 Licensing Act 2003).
  - Any playing of recorded music between 08:00 – 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - Any playing of recorded music between 08:00 – 23:00 on any day at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor, or (iii) the health care provider for the hospital.
- **Cross activity exemptions:** between 08:00 – 23:00 on any day , with no limit on audience size for:
  - Any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - Any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - Any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and;
  - Any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a movable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

## **Appendix C – Application Process**

All applications and notices under the Licensing Act 2003 for the Rochford district must be sent or given to The Licensing Unit, Rochford District Council, Council Offices, 3 – 19 South Street, Rochford, Essex, SS4 1BW and to the appropriate Responsible Authorities (contact details of whom can be found in Appendix E).

### **Personal Licence**

To apply for a new Personal Licence, applicants must: be over 18 years of age and complete an approved application form and send it to the Licensing Authority together with:

- two passport photographs (one of which must be certified as a true likeness);
- a copy of the applicant's licensing qualification;
- either a basic Criminal Record Check from the Disclosure and Barring Service or a Criminal Record Certificate\* issued under section 112 or Section 113 of the Police Act 1997 respectively, or the result of a subject access search of the Police National Computer by the National Identification Service (all of which must have been issued within one calendar month of submitting it with the licence application);
- a declaration by the applicant that either he has not been convicted of a relevant offence or a foreign relevant offence or that he has been convicted of a relevant offence or a foreign offence accompanied by details of the nature, date of the conviction and any sentence imposed on him;
- the licence fee of (see the current fees on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk)).

The Licensing Authority must reject the application where the applicant is under 18 years of age, does not possess the prescribed licensing qualification or has had a personal licence forfeited within the preceding five years.

Where an applicant has been convicted of a relevant offence or foreign offence the Licensing Authority must give notice to that effect to the police who may object to the application. The police objection has to be made within 14 days of receiving the notice from the Licensing Authority, following which a hearing must be held to determine the application.

### **Premises Licensing**

Copies of the application form or notice and other documents prescribed for each type of application must be given to the Licensing Authority and appropriate Responsible Authority indicated on the application form.

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\* A certificate may be obtained from the Disclosure and Barring Service on-line at [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

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For applications submitted electronically the Licensing Authority will forward copies of the complete application to the Responsible Authorities.

In order to lessen the potential for representations being made, applicants are advised to discuss their proposed application with the relevant Responsible Authorities.

The process of applying for the grant or variation of a Premises Licence or Club Premises Certificate is similar in all respects except that an application for grant of a Club Premises Certificate must be accompanied by a declaration for qualifying club status and, because the 'supply' of alcohol that is managed by or on behalf of the club is not regarded as a 'sale' of alcohol, there is no requirement for a Designated Premises Supervisor.

To apply for the grant, applicants must be over 18 years of age and complete an approved application form, which must be sent to the Licensing Authority together with:

- a detailed plan of the premises;
- a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor, if the licensable activities to which the application relates include the supply of alcohol, but certain community premises can apply to disapply the need for a premises supervisor;
- the relevant fee (see the current fees on the Council website [www.rochford.gov.uk](http://www.rochford.gov.uk)).

The plan shall show:

- the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
  - the location of points of access to and egress from the premises;
  - if different from sub-paragraph (3)(b), the location of escape routes from the premises;
  - in a case where the premises is to be used for more than one licensable activity, the area within the premises used for each activity;
  - fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
  - in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
  - in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
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- in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
- the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
- the location of a kitchen, if any, on the premises.

The plan may include a legend through which the matters mentioned or referred to in paragraph (2) above are sufficiently illustrated by the use of symbols on the plan.

A notice, on blue paper sized A4 or larger, must also be prominently displayed at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, for a period of not less than 28 consecutive days from the day following the day the application was given to the Licensing Authority.

Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.

The notice must state:

- details of the relevant licensable activities that it is proposed will be carried on or from the premises, or in the case of an application to vary the licence, a brief description of the proposed variation;
- the name of the applicant;
- the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified;
- the postal address and (where applicable) the worldwide web address where the register of the relevant licensing authority is kept and where and when the record of the application may be inspected;
- the date by which representations from responsible authorities or other persons should be received in writing;
- that it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence;
- the notice, containing the same details, must be published in a local newspaper or similar document on at least one occasion during the period of 10 working days following the day after giving the application to the Licensing Authority;
- the licensing authority must also place a similar notice on its website during the representation period.

### **Variation of Premises Licence**

To apply for a variation, the same procedure must be adopted as for the original application plus Parts A and B of the original licence or certificate must be returned to the Licensing Authority, or the application must include an explanation why it has not been returned.

An application may not be made to extend the period for which a licence has effect, e.g. a seasonal licence or one that is limited to certain days/dates.

Applications may be made to affect the licensable activities provided, the times during which they may be provided or where the premises are to undergo structural alterations.

However an application may not be made to vary substantially the premises to which it relates. As this is a matter of degree, applicants are advised to contact the Licensing Unit to discuss the extent of the alterations to decide if an application for a new licence must be made.

Where the application arises from structural alterations, a new plan showing the proposed alterations must also be submitted.

The fee for a variation is the same as for grant and is set in accordance with the Non-domestic Rateable Value of the premises.

### **Variation of Premises Licence (Designated Premises Supervisor)**

An application to vary a premises licence, where there has been a change of the designated premises supervisor, must be in the prescribed form and accompanied by:

- the premises licence;
- a form of consent in the prescribed form given by the individual whom the applicant wishes to have specified in the premises licence as the premises supervisor;
- the fee (see the current fees on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk)).

A copy of the application and all accompanying documents must also be sent to the police but if the application is made electronically the Licensing Authority will forward copies to the police.

### **Provisional Statement**

Where premises are being, or are about to be constructed for the purpose of being used for one or more of those activities, or are being or about to be extended or otherwise altered for that purpose (whether or not they are already being used for that purpose) an application may be made by any person for the grant of a Provisional Statement.

‘Person’ in this instance also includes a business (e.g. the applicant could be a firm or architects, or a construction firm or even a financier).

To apply for a Provisional Statement, the same procedure must be adopted as that described above for the grant of a premises licence.

A provisional statement does not have a limited duration. However with the potential for there to be a material change over time, the longer the delay before a premises licence is applied for the greater the potential that representations, at the later application, may be allowed.

Responsible authorities and any other persons will be able to make representations against the application. If there are no representations the application will be granted. If there are representations a hearing will be held before the Licensing Sub Committee.

The Licensing Act 2003 does not empower a licensing authority to refuse a provisional statement. Following consideration of relevant representations the

Licensing Committee may only indicate (as part of the issued statement) that it would consider certain steps to be necessary for the promotion of the licensing objectives when, and if, an application was made for a premises licence or club premises certificate following the issue of the provisional statement.

### **Cumulative Impact Policy**

The Council has adopted a Cumulative Impact Policy for Rayleigh High Street, Rayleigh High Road and Eastwood Road Rayleigh.

This policy creates a rebuttable presumption those applications within these areas for new premises licences or club premises certificates or variations that are likely to add to the existing cumulative impact will normally be refused, if relevant representations are received about the cumulative impact on the licensing objectives, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact already being experienced

### **Late Night Levy and Early Morning Alcohol Restriction Order**

On 27 November 2012 Rochford District Council agreed, at this stage, not to adopt either the Late Night Levy or Early Morning Alcohol Restriction Order made available to local authorities by the Police Reform and Social Responsibility Act 2011.

### **Advertisement of Application by the Licensing Authority**

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations, which came into effect on 25 April 2012, introduced a new requirement for a Licensing Authority to advertise by way of a notice on its website all applications for provisional statement, grant or variation of a premises licence and grant and variation of a club premises certificate.

### **Temporary Event Notices**

Temporary Event Notices (TENs) do not have to be applied for, they are issued by the 'Premises User'. Any person can be a 'Premises User' and can issue a TEN in respect of any premises or area of land. A 'Premises User' does not have to hold a Personal Licence to authorise the supply of alcohol in conjunction with a TEN.



However, it should be noted that:

- the same premises cannot be used on more than 15 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used, an event beginning before midnight and continuing into the next day would count as two days toward the 21 day limit;
- a Personal Licence holder is limited to giving 50 notices in one year, of which 10 may be late notices and any other person may give five notices in one year for, of which 2 may be late notices.
- a TEN which is given then subsequently withdrawn by the TEN user can be included with the limits of numbers of TENs allowed in a given calendar year;
- the maximum number of people attending at any one time must be fewer than 500; and
- The minimum period between events authorised under separate TENs in relation to the same premises, by the same user is 24 hours.

The notice, together with the fee, must be given to the Licensing Authority at least 10 working days before the event is held, with copies given at the same time to the police and environmental health. A late notice is explained below.

The notice must contain details of:

- the premises to be used;
- the proposed licensable activities;
- the period (not exceeding 168 hours) during which it is proposed to use the premises;
- the times during that period when it is proposed for those licensable activities to take place;
- the maximum number of persons (being less than 500) it is proposed will be allowed on the premises during those times;
- where alcohol is to be supplied, whether it is for consumption on or off the premises, or both;
- the fee of (see the current fees on the Council web site [www.rochford.gov.uk](http://www.rochford.gov.uk)).

If the application is made electronically it is only necessary for it to be given to the Licensing Authority.

## **Rochford District Council – Appendices**

### **Statement of Licensing Policy Licensing Act 2003 For period 31 January 2016 – 30 January 2021**

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For notices given for events within the Rochford District Council's area they should be given to:

- Senior Licensing Officer, Rochford District Council, Council Offices, South Street, Rochford, Essex, SS4 1BW.
- Licensing Unit, Police Station, Victoria Avenue, Southend on Sea, Essex, SS2 6ES.
- Environmental Health Manager, Rochford District Council, Council Offices, South Street, Rochford, Essex, SS4 1BW.

A late TEN is one that is given to the Licensing Authority or other relevant persons no later than five working days but no earlier than nine working days before the date of the event or to at least one of those persons no earlier than nine working days. If it is an electronic application it is late if given no later than five working days. Any notice given less than five days before the date of the event will be refused.

An Objection Notice may be issued by the police or environmental health where they are satisfied that the proposed use of the premises would undermine one of the four licensing objectives, prevention of crime and disorder, public safety, prevention of public nuisance or the protection of children from harm. The objection notice must be given to the Licensing Authority, the applicant and other relevant person by the end of the 3<sup>rd</sup> day after receiving the TEN, giving their reasons for doing so.

Where an Objection Notice is given, the Licensing Authority must hold a hearing to consider the objection, unless it is agreed that it is unnecessary.

Where a hearing is held, it must be at least 24hrs before the start of the event.

If an Objection Notice is given to a late TEN the Licensing Authority must serve a Counter Notice at least 24hrs before the start of the event.

The Licensing Authority must issue a Counter Notice where the limits mentioned in paragraph 2 are exceeded.

## **Appendix C1 – Minor Variations to Premises Licences and Club Premises Certificates**

Small variations that will not impact adversely on the licensing objectives are subject to a simplified ‘minor variations’ process. Under this process, the applicant is not required to advertise the variation in a newspaper or circular or copy it to responsible authorities. However, they must display it on a white notice (to distinguish it from the blue notice used for full variations and new applications). The notice must be displayed for a period of ten working days starting on the working day after the minor variation application was given to the licensing authority.

On receipt of an application for a minor variation, the licensing officer for the licensing authority will consider whether the variation could impact adversely on the licensing objectives.

In considering the application, the licensing authority must consult relevant responsible authorities if there is any doubt about the impact of the variation on the licensing objectives and they need specialist advice, and take their views into account in reaching a decision. For instance, they may need to consult the environmental health officer on an application with possible public nuisance implications. But there is no requirement to consult all responsible authorities on each application and in many cases the licensing authority may be able to make a decision without consultation.

The licensing authority will also consider any relevant representations received from interested parties within the time limit referred to below. Representations are only relevant if they clearly relate to the likely effect of the grant of the variation on the promotion of at least one of the licensing objectives. For minor variations, there is no right to a hearing (as for a full variation or new application), but the licensing authority will take any representations into account in arriving at a decision.

Interested parties have ten working days from the ‘initial day’, i.e., the day after the application is received by the licensing authority, to submit representations. The licensing authority must therefore wait until this period has elapsed before determining the application, but must do so at the latest within 15 working days, beginning on the first working day after the authority received the application, with effect either that:

- the minor variation is granted; or
- the application is refused.

If the licensing authority fails to respond to the applicant within 15 working days the application will be treated as refused and the authority must return the fee to the applicant forthwith. However, the licensing authority and the applicant may agree instead that the undetermined application should be treated as a new application and that the fee originally submitted will be treated as a fee for the new application.

Where an application is refused and is then re-submitted through the full variation process, the full 28 days notification period will apply from the date the new application is received and applicants should advertise the application and copy it to all responsible authorities (in accordance with the regulations applicable to full variations).

Minor variations will generally fall into four categories: minor changes to the structure or layout of a premises; small adjustments to licensing hours; the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions; and the addition of certain licensable activities. **In all cases the overall test is whether the proposed variation could impact adversely on any of the four licensing objectives.**

### **Changes to structure/layout**

Many small variations to layout will have no adverse impact on the licensing objectives. However, changes to layout should be referred to the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by:

- increasing the capacity for drinking on the premises;
- affecting access between the public part of the premises and the rest of the premises or the street or public way, e.g. block emergency exits or routes to emergency exits;
- impeding the effective operation of a noise reduction measure such as an acoustic lobby.

An application to remove a licensable activity should normally be approved as a minor variation.

### **Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases**

The Act covers a wide range of other licensable activities and this authority will consider each application on a case by case basis and in light of any licence conditions put forward by the applicant.

For example, the addition of live or recorded music to a licence may impact on the public nuisance objective, but this will depend on many factors. The licensing authority will consider factors such as proximity to residential areas and any noise reduction conditions volunteered by the applicant. It is very much the Government's and this authority's intention that applications to vary a licence for live music should benefit from the minor variations process unless there is likely to be an adverse impact on the licensing objectives.

Similarly, in some circumstances, the addition of other types of regulated entertainment, such as the performance of plays or exhibition of films, to a licence may have no adverse impact on the licensing objectives.

In considering applications to add licensable activities, licensing authorities and officers may find it helpful to consider the following factors:

- the nature of the licensable activity;
- proximity of the premises to residential areas;
- any licence conditions volunteered by the applicant to mitigate the impact of the activity;

- whether alcohol is sold at the premises when the licensable activity is taking place; and whether it will continue to be sold during the extended period. For example, a pub that applies to stay open an extra hour after the sale of alcohol has ended to sell hot drink and food could be considered to benefit the promotion of the licensing objectives;
- track record of the premises – whether positive or negative. For example, any complaints or enforcement action related to the licensing objectives, or conversely any evidence of good practice in carrying on the licensable activity, e.g. under temporary event notices;
- proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activity in large numbers. For example, people visiting a takeaway after leaving a public house.

This is not an exhaustive list and licensing officer will bring their own experience and knowledge of licensing to bear when considering applications.

### Licensing hours

Variations to:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- to increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises are **excluded** from the minor variations process and must be treated as full variations in all cases. Applications to reduce licensing hours for the sale or supply of alcohol or to move (without increasing) the licensed hours between 07.00 and 23.00 will normally be processed as minor variations.
- applications to vary the time during which other licensable activities take place will be considered on a case by case basis with reference to the likely impact on the licensing objectives. In arriving at a decision, the licensing authority will consider the following factors:
  - the nature of the licensable activity;
  - the extent of additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;
  - proximity of the premises to residential areas;
  - any licence conditions already in place to mitigate the impact of the activity; any additional conditions volunteered by the applicant;
  - arrangements for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue? Is the only means of dispersal a single route through residential areas?

- whether the proposed extension applies only on the weekend or also during week days;
- whether there will be new admittances during that period;
- track record of the establishment whether positive or negative, e.g. complaints related to the licensing objectives, any enforcement action or conversely any evidence of good practice in carrying on the licensable activity, e.g. under temporary event notices;
- whether the premises is already open during the extended period for other licensable activities;
- proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activity in large numbers. For example, people visiting a takeaway after leaving a public house.

These factors are not an exhaustive list and the authority and officers will bring their own experience and knowledge of licensing to bear when considering applications.

### **Licensing conditions**

#### **(a) Imposed conditions**

The authority cannot impose its own conditions on the licence through the minor variations process. If the licensing officer considers that the proposed variation would impact adversely on the licensing objectives unless conditions are imposed, they will refuse it.

#### **(b) Volunteered conditions**

Applicants may volunteer conditions as part of the minor application process. These conditions may arise from their own risk assessment of the variation, or from informal discussions with responsible authorities or the licensing authority.

For instance, there may be circumstances when the licence holder and a responsible authority such as the police or environmental health authority, agree that a new condition should be added to the licence. For example, that a nightclub adds the provision of late night refreshment to its licence to ensure a longer period of dispersal. Such a change would not normally impact adversely on the licensing objectives and could be expected to promote them by preventing crime and disorder or public nuisance. In these circumstances, the minor variation process may provide a less costly and onerous means of amending the licence than a review, with no risk to the licensing objectives. However, this route should only be used where the agreed variations are minor and the licensee and the responsible authority have come to a genuine agreement. The authority will be alive to any attempts to pressure licensees into agreeing to new conditions where there is no evidence of a problem at the premises and, if there is any doubt, will discuss this with the relevant parties.

**(c) Amending or removing existing conditions**

Licence or club certificate conditions will normally have been volunteered or imposed to mitigate any possible adverse impact on the licensing objectives. In most cases therefore, any application to remove or change the wording of a condition will be treated as a full variation.

However, there may be some circumstances when the minor variation process is appropriate. Premises may change over time and the circumstances that originally led to the condition being attached or volunteered may no longer apply. For example, there may be no need for door supervision if a bar has been converted into a restaurant. Equally some embedded conditions may no longer apply.

Changes in legislation may invalidate certain conditions. For instance, the recent Regulatory Reform (Fire Safety) Order 2005 annulled all fire safety related conditions imposed on licences purely for fire safety reasons. Although the conditions do not have to be removed from the licence, licensees and the authority may agree that this is desirable to clarify the licensee's legal obligations.

There may also be cases where it is necessary to revise the wording of a condition that is unclear and/or unenforceable. This would be acceptable as a minor variation as long as the purpose of the condition and its intended effect remain unchanged. Such a change could be expected to promote the licensing objectives by making it easier for the licensee to understand and comply with the condition and easier for the authority to enforce it.

**Club Premises Certificates**

The arrangements for applying for or seeking to vary club premises certificates are the same as those for a premises licence. Clubs may also use the minor variation process to make small changes to their certificates as long as these will have no adverse impact on the licensing objectives.

## Appendix D – Fees

**Personal Licence** – £37.00 for the initial grant, valid for 10 years.

**Premises Licence** – Fees for applications for premises licences, club premises certificates, variations (excluding changes of name and address or change of Premises Supervisor) are calculated within fee bands based upon the non-domestic rateable value of the premises, as shown in **Table A**.

The Licensing Act 2003 was amended on 25 April 2012 by the Police Reform and Social Responsibility Act 2011 and now requires a licensing authority to suspend a premises licence or club premises certificate if the annual fee is not paid by the due date. The licence or certificate remains suspended until all outstanding annual fees are paid. However, the immediate suspension does not apply if the payment was not made because of an administrative error or because the holder of the licence or certificate disputes liability before the due date. In either case there is a grace period of 21 days during which the error or dispute may be resolved. If there is no resolution within the 21 days the licence or certificate will be suspended.

**Table A**

Non-domestic rateable value band £	Grant/variation of licence £	Annual charge £
Band A: 0 – 4300	100	70
Band B: 4,301 – 33,000	190	180
Band C: 33,001 – 87,000	315	295
Band D: 87,001 – 125,000	450	320
Band E: 125,001 and over	635	350

Certain premises are exempt from fees and annual charges where they are providing regulated entertainment, i.e. no sale/supply of alcohol, these being church halls, chapels, parish and community halls or other premises of a similar nature.

No fees are payable by schools providing education for pupils up to Year 13 or for a sixth form college where, in both cases, the regulated entertainment is carried on at the school or college and for school/college purposes. The fees for such licences will be met out of central funds.

Premises without a non-domestic rating, such as floating vessels, burger vans, public areas, parks etc., pay a fee based on the lowest band, i.e. Band A.

There are higher fees for **premises licences** for premises falling within bands D and E, where the use of the premises is exclusively or primarily for the supply and consumption of alcohol on the premises, as shown in **Table B**.



**Table B**

Non-domestic rateable value band £	Grant/variation of licence £	Annual charge £
Band D: 87,001 – 125,000	900	640
Band E: 125,001 and over	1905	1050

There will be additional fees for **premises licences** for exceptionally large premises, i.e. those where the number of persons allowed on the premises is 5000 or more, as shown in **Table C**.

**Table C**

Number of people	Additional fee £	Annual charge £
5000 – 9999	1000	500
10000 – 14999	2000	1000
15000 – 19999	4000	2000
20000 – 29999	8000	4000
30000 – 39999	16000	8000
40000 – 49999	24000	12000
50000 – 59999	32000	16000
60000 – 69999	40000	20000
70000 – 79999	48000	24000
80000 – 89999	56000	28000
90000 and over	64000	32000

Shown below are examples of fees for a premises falling into Band E, using the tables above:

- If the premises has a capacity less than 5000, the fee for a premise licence would be £635 with an annual charge of £350.
- If the primary use of those premises is for the supply and consumption of alcohol, the fee would be £1,905 with an annual charge of £1,050.
- The fee to vary the licence other than for change of premises supervisor would be the same as the fee for the original grant.
- If the premises has a capacity of between 5000 and 9999, there would be an additional fee of £1,000 to the fees for grant of the licence and an additional annual fee of £500 to the annual charge.

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Fees for other applications under the Licensing Act 2003 are shown below:

<b>Application or notice</b>	<b>Fee £</b>
Licensing Register, Statement of Licensing Policy or Appendices	£0.10 per A4 sheet
Application for a provisional statement	£315.00
Application for minor variation to premises licence	£89.00
Application for minor variation to club premises certificate	£89.00
Application for copy of licence or summary on theft, loss etc. of premises licence or summary	£10.50
Notification of change of name or address (holder of premises licence)	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Application to transfer premises licence	£23.00
Interim authority notice	£23.00
Application for copy of certificate or summary on theft, loss etc. of certificate or summary	£10.50
Notification of change of name or alteration of club rules	£10.50
Change of relevant registered address of club	£10.50
Temporary event notices	£21.00
Application for copy of notice on theft, loss etc. of temporary event notice	£10.50
Application for grant or renewal of personal licence	£37.00
Application for copy of licence on theft, loss etc. of personal licence	£10.50
Notification of change of name or address of personal licence holder	£10.50
Notice of interest in any premises	£21.00

## Appendix E – Responsible Authorities

Rochford District Council:

Licensing Authority

Licensing Department  
Rochford District Council  
3 – 19 South Street  
Rochford  
Essex SS4 1BW  
Phone: 01702 318058  
Email: [licensing@rochford.gov.uk](mailto:licensing@rochford.gov.uk)

Planning

Assistant Director of Legal Services  
Rochford District Council  
3 – 19 South Street  
Rochford  
Essex SS4 1BW  
Phone: 01702 546316  
Email: [planning@rochford.gov.uk](mailto:planning@rochford.gov.uk)

Environmental Health

Environmental Health  
Rochford District Council  
3 – 19 South Street  
Rochford  
Essex SS4 1BW  
Phone: 01702 318053  
Email: [environmentalhealth@rochford.gov.uk](mailto:environmentalhealth@rochford.gov.uk)

Police

Essex Police Licensing Unit (Alcohol)  
Braintree  
Essex CM7 3DJ  
Email: [licensing.applications@essex.police.uk](mailto:licensing.applications@essex.police.uk)

Fire

Chief Fire Officer  
Southend & Rochford Community Command Team  
R/o Fire Station  
Sutton Road  
Southend on Sea  
Essex SS2 5PX  
Phone: 01702 614433  
Email: [sr.command@essex-fire.gov.uk](mailto:sr.command@essex-fire.gov.uk)

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Health & Safety Executive	Wren House Hedgerows Business Park Colchester Road Chelmsford Essex CM2 5PF Fax: 01245 706222
Child Protection	Premises Licence Applications Children’s Safeguarding Service PO Box 11 County Hall Chelmsford Essex CM1 1LX Email: <a href="mailto:licenceapplications@essexcc.gov.uk">licenceapplications@essexcc.gov.uk</a>
Trading Standards	Essex Trading Standards CG32 County Hall Market Road Chelmsford Essex CM1 1QH
Primary Care Trust	Licensing Administration Public Health Team E2 County Hall Chelmsford Essex M1 1LX <a href="mailto:Public.healthteam@nhs.net">Public.healthteam@nhs.net</a>
Home Office	Alcohol Licensing Team Lunar House 40 Wellesley Road Croyden CR9 2BY <a href="mailto:alcohol@homeoffice.gsi.gov.uk">alcohol@homeoffice.gsi.gov.uk</a>

## **Appendix F – Representations/Reviews/Hearings/Appeals**

### **Who can make representations or seek reviews?**

‘Responsible Authorities’ and other persons may make ‘relevant representations’ in respect of applications made for the grant or variation of a Premises Licence or Club Premises Certificate and may seek a review of licences and certificates granted.

‘Responsible Authority’ is defined as any of the following:

- the Chief Officer of Police for the area;
- the Fire Authority;
- the enforcing authority for Health and Safety at Work;
- the local planning authority;
- the local authority responsible for minimising or preventing the risk of pollution of the environment or of harm to human health;
- the body representing matters relating to the protection of children from harm
- the local primary care trust or health board;
- Licensing Authority;
- a navigation authority, the Environment Agency, or the British Waterways Board in relation to a vessel;
- the weights and measures authority.

(for a list of Responsible Authorities in Rochford District, see Appendix E)

### **What are relevant representations?**

‘Relevant representations’ is the term used for comments and objections that:

- are about the likely effect of the grant of the premises licence or premises certificate on the promotion of the licensing objectives;
- are made by ‘Responsible Authority’ or other persons within the prescribed period and have not been withdrawn;
- in the opinion of the Licensing Authority, are not frivolous or vexatious.

The terms ‘frivolous’ and ‘vexatious’ have their normal meanings.

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The table below lists those provisions about which representations may be made, the timescales within which and by whom they may be made.

<b>Provision under which hearing is held</b>	<b>Period of time within which representations must be made</b>	<b>Persons who may make representations</b>
Application for premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application for a provisional statement	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application to vary premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application to vary premises supervisor (DPS)	14 days of receipt of application.	Chief of Police
Application for transfer of premises licence	14 days of receipt of application.	Chief of police
Cancellation of interim authority notice	48 hours of receipt of application.	Chief of police
Application for review of premises licence	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application for club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application to vary club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Application for review of club premises certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Responsible authorities Other persons
Counter notice following police objection to temporary event notice*	Three working days of receipt of temporary event notice.	Chief of police
Application for renewal of personal licence	14 days of receipt of notice of convictions from Licensing Authority.	Chief of police

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Provision under which hearing is held	Period of time within which representations must be made	Persons who may make representations
Convictions coming to light after grant of personal licence	14 days of receipt of notice of convictions from Licensing Authority.	Chief of police
Review of premises licence following closure order	Seven days beginning on the day after the day the licensing authority receives notice given by relevant magistrates' court	Responsible authorities Other persons
Application for conversion of existing licence	28 days beginning with the day after the day on which application was given to licensing authority.	Chief of police
Application for conversion of existing club certificate	28 days beginning with the day after the day on which application was given to licensing authority.	Chief of police

\*It should be noted that the Licensing Authority **must** issue a counter notice where the Temporary Event Notice exceeds the permitted limits, which are:

- 50 per year, inclusive of 10 late, if the premises user is the holder of a Personal Licence,
- Five per year, inclusive of two late, if the premises user is not the holder of a Personal Licence; and
- 15 per year in respect of the same premises covering no more than 21 days in total.

## Reviews

The Licensing Authority must hold a hearing to review a premises licence or club premises certificate where either:

- representations are made in the prescribed form by a Responsible Authority or other persons seeking a review of the licence or certificate on one or more of the licensing objectives; or
- a Magistrate's Court issues a notice under section 165 (4) of the Act, following consideration of a Closure Order issued by the police;

In the case of a review of a premises licence or certificate, a representation will be repetitious if:

- it is identical or substantially similar to:
  - grounds in an earlier application for review made in respect of the same premises and already determined; or
  - representations considered by the Licensing Authority in granting the premises licence or certificate; or

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- representations which would have been considered except they were excluded representations following a provisional statement, and
- a reasonable interval has not elapsed since the earlier application for review or grant of the licence or certificate.

## Hearings

A hearing must be held within a prescribed period of time where relevant representations are made in respect of any licensing application or issue of a Temporary Event Notice or in respect of an application for review of a premises licence or club premises certificate.

Notices must be sent to each party informing them of the date of hearing: -

- at least two working days before the day of the hearing for cancellation of an interim authority notice and counter notice to a temporary event notice following police objection;
- at least five working days before the day of the hearing for review of a premises licence following a closure order;
- at least 10 working days before the day of the hearing in respect of all other applications.

Copies of the representations must also be given to the applicant, the holder of the premises licence or the club, as appropriate.

The table below lists the provisions, the timescales within which hearings have to be held and the persons to whom notices must be given.

Provision under which hearing is held	Period of time in which hearing must be held	Persons to whom notices must be sent
Application for premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application for a provisional statement	20 working days beginning with the day after the end of the period for making representations.	Applicant. Persons who have made relevant representations.
Application to vary premises licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Persons who have made relevant representations.
Application to vary premises licence to change the premises supervisor	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police Proposed premises supervisor



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<b>Provision under which hearing is held</b>	<b>Period of time in which hearing must be held</b>	<b>Persons to whom notices must be sent</b>
Application for transfer of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police Holder of licence.
Cancellation of interim authority notice	Five working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for review of premises licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Holder of premises licence. Persons who have made relevant representations.
Application for club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application to vary club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant (the club). Persons who have made relevant representations.
Application for review of club premises certificate	20 working days beginning with the day after the end of the period for making representations.	Applicant. The club. Persons who have made relevant representations.
Counter notice following police objection to temporary event notice	Seven working days beginning with the day after the end of the period for making representations.	The premises user. Chief of police
Application for grant of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Application for renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Applicant. Chief of police
Convictions coming to light after grant or renewal of personal licence	20 working days beginning with the day after the end of the period for making representations.	Holder of licence. Chief of police
Review of premises licence following closure order	10 working days beginning with the day after the day the licensing authority receives the court notice.	Holder of licence. Chief of police

**Appeals against Decisions**

Any person aggrieved by the decision of the Licensing Committee can appeal to the Magistrates' Court.

## Appendix G – Mandatory Conditions

### On Sales

1. No supply of alcohol may be made under the Premises Licence:
  - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
  - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an 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.
    - (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 in a manner which carries a significant risk of undermining a licensing objective;
    - (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 in a manner which carries a significant risk of undermining a licensing objective;
    - (d) 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;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either:
  - (a) a holographic mark; or
  - (b) an ultraviolet feature.
6. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1:
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
-

- (b) “permitted price” is the price found by applying the formula:

$$P = D + (D \times V)$$

Where:

**P** is the permitted price;

**D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and

**V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:
- (i) The holder of the premises licence;
  - (ii) The designated premises supervisor (if any) in respect of such a licence; or
  - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**If the Premises Licence allows Exhibition of Films**

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation by that body.
3. Where:
  - (a) the film classification body is not specified in the licence; or
  - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question;admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section “children” means any person aged under 18; and “film classification body” means the person or persons designated as the authority under Section 4 of the Video Recordings Act 1984(c39) (authority to determine suitability of video works for classification).

**If the Premises Licence has conditions in respect of Door Supervision except theatres, cinemas, bingo halls and casinos**

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each such individual must:
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of Section 4 of the Act.
2. But nothing in subsection (1) requires such a condition to be imposed:
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c12) (premises with premises licences authorising plays or films); or
  - (b) in respect of premises in relation to:
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence); or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

3. For the purposes of this section:
- (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and, which is licensable conduct for the purposes of that Act, (see Section 3(2) of that Act); and
  - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

### **Off Sales**

No sale of alcohol may be made under the Premises Licence:

- (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence; or
  - (b) at a time when the Designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
1. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
2. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) 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 either:
- a holographic mark; or
  - an ultraviolet feature.
3. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

For the purposes of the condition set out in paragraph 4:

“duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);  
“permitted price” is the price found by applying the formula where:

**P** is the permitted price;

**D** is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol; and

**V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

“relevant person” means, in relation to premises in respect of which there is in force a premises licence:

- the holder of the premises licence;
- the designated premises supervisor (if any) in respect of such a licence; or
- the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

### **Club Premises Certificate**

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
    - (a) In this paragraph, an 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.
    - (b) 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);
    - (c) 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 in a manner which carries a significant risk of undermining a licensing objective;
    - (d) 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 in a manner which carries a significant risk of undermining a licensing objective;
    - (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.
-



- (f) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) 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 either:
    - (a) a holographic mark; or
    - (b) an ultraviolet feature.
- 4. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

### **Minimum Drinks Pricing**

- 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  - 2. For the purposes of the condition set out in paragraph 1:
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
-

- (b) “permitted price” is the price found by applying the formula:

$$P = D + (D \times V)$$

Where:

**P** is the permitted price

**D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

**V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence:
- (i) The holder of the premises licence;
  - (ii) The designated premises supervisor (if any) in respect of such a licence; or
  - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
5. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
6. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Appendix H – Delegation of Functions**

Matter to be dealt with	Sub-Committee	Assistant Director of Legal Services
Personal licence	If a police objection	If no objection made
Personal licence with unspent convictions	All cases	
Premises licence/Club premises certificate	If a relevant representation made	If no relevant representation made
Provisional statement	If a relevant representation made	If no relevant representation made
Variation of a premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Variation of designated premises supervisor	If a police objection	All other cases
Transfer of premises licence	If a police objection made	All other cases
Interim authority	If a police objection made	All other cases
Review premises licence/club premises certificate	All cases	
Decision as to whether a representation is relevant		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of police or Environmental Health objection to temporary event notice	All cases	

## Appendix I – References to Guides and Best Practice

This is not intended to be an exhaustive list of reference guides but is offered for guidance and may be revised. The Department for Culture, Media & Sport provides guidance on various aspects of the Licensing Act 2003.

1. The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book Guide”) ISBN 978 – 0 – 7176 – 2453 – 9
2. Guide to Fire Precautions in existing places of entertainment and like premises (The Stationery Office) (“The Primrose Guide”) ISBN 0 1 340907 9
3. Managing Crowds Safely (HSE 2000) ISBN 0 7176 1834 X
4. 5 Steps to Risk Assessment: Case Studies (HSE 1998) ISBN 0 7176 15804.440 – 5.
5. The Guide to Safety at Sports Grounds (DCMS 2007) (“The Green Guide”) ISBN 978 – 0 – 11702 – 07400
6. Good Practice Guide on the Control of Noise from Pubs and Clubs – The Institute of Acoustics. <http://www.ioa.org.uk/publications/ioa-guide>
7. Safer Clubbing – [http://www.csdp.org/research/safer\\_clubbing\\_txt.pdf](http://www.csdp.org/research/safer_clubbing_txt.pdf)
8. The Portman Group Code of Practice on the naming, packaging and promotion of Alcoholic Drinks. <http://www.portmangroup.org.uk/codes/alcohol-marketing/code-of-practice/code-of-practice>
9. British Board of Film Classification – Classification Guidelines. <http://www.bbfc.co.uk/what-classification/guidelines>
10. HSE Guide – The Radiation Safety of lasers used for display purposes [HS(G)95] and BS EN 60825 of Laser products. <http://www.hse.gov.uk/pubns/books/hsg95.pdf>
11. Community Safety Partnership Castle Point Council [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)
12. Sound Advice at events ISBN 978 – 0 – 71766 – 307 – 1
13. Home Office Guidance 182 of the Licensing Act 2003
14. Fire Risk Assessments for open air events and venues, small and medium places of assembly can be found at <https://www.gov.uk/government/collections/fire-safety-law-and-guidance-documen>

## **Appendix J – Other Useful Contact Details**

Arts Council for England  
14 Great Peter Street  
London  
SW1P 3NQ

Phone: 0845 300 6200  
Email: [enquiries@artscouncil.org](mailto:enquiries@artscouncil.org)  
Website: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)

Association of Licensed Multiple Retailers  
3<sup>rd</sup> Floor International House  
Ealing  
London  
W5 5DB

Phone: 020 8579 2080  
Email: [infor@almr.org.uk](mailto:infor@almr.org.uk)

British Beer & Pub Association  
Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ

Phone: 020 7627 9191  
Email: [web@beerandpub.com](mailto:web@beerandpub.com)  
Website: [www.beerandpub.com](http://www.beerandpub.com)

British Board of Film Classification  
3 Soho Square  
London  
W1D 3HD

Phone: 020 7440 1570  
Email: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
Website: [www.bbfc.co.uk](http://www.bbfc.co.uk)

British Institute of Innkeeping  
Wessex House  
80 Park Street  
Camberley  
Surrey GU15 3PT

Phone: 01276 684449  
Email: [reception@bii.org](mailto:reception@bii.org)  
Website: [www.bii.org](http://www.bii.org)

Business Link for Essex  
Alexandra House  
36a Church Street  
Chelmsford  
Essex CM2 7HY

Phone: 01245 717615  
Email: [info@bl4e.co.uk](mailto:info@bl4e.co.uk)  
Website: [www.bl4e.co.uk](http://www.bl4e.co.uk)

Community Safety Partnership  
Council Offices  
Kiln Road  
Benfleet  
Essex  
SS7 1TF

Phone: 01268 882461  
Email: [communitysafety@castlepoint.gov.uk](mailto:communitysafety@castlepoint.gov.uk)  
Website: [www.castlepoint.gov.uk](http://www.castlepoint.gov.uk)

## Rochford District Council – Appendices

### Statement of Licensing Policy Licensing Act 2003 For period 31 January 2016 – 30 January 2021

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Department for Media Culture & Sport  
2-4 Cockspur Street  
London  
SW1Y 5DH

Phone: 020 7211 6200  
Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

Disability Rights Commission  
DRC Helpline  
Freepost MID01264  
Stratford Upon Avon  
CV37 9BR

Phone: 08457 622633  
Email:  
Website: [www.drc-gb.org](http://www.drc-gb.org)

Essex Chamber of Commerce  
Mid Essex Office  
75 Springfield Road  
Chelmsford  
Essex CM2 6JB

Phone: 01245 500464  
Email: [info@essexchambers.co.uk](mailto:info@essexchambers.co.uk)  
Website: [www.essexchambers.co.uk](http://www.essexchambers.co.uk)

Essex Race Equality Council  
Floor 3 Civic Centre  
Victoria Street  
Southend on Sea  
Essex SS2 6EP

Phone: 01702 333351  
Email: [Erec.Southend@btconnect.com](mailto:Erec.Southend@btconnect.com)  
Website:

Essex Trading Standards  
New Dukes Way Office  
2 Beaufort Road  
Dukes Park Industrial Estate  
Chelmsford  
Essex  
CM2 6PS

Phone: 0845 6037626  
Email: [Advice.unit@essexcc.gov.uk](mailto:Advice.unit@essexcc.gov.uk)  
Website: [www.tradingstandards.gov.uk/essex](http://www.tradingstandards.gov.uk/essex)

Equity  
Guild House  
Upper Martins Lane  
London  
WC2H 9EG

Phone: 020 7379 6000  
Email: [info@equity.org.uk](mailto:info@equity.org.uk)  
Website: [www.equity.org.uk](http://www.equity.org.uk)

Institute of Acoustics  
77a St Peters Street  
St Albans  
Herts. AL1 3BN

Phone: 01727 848195  
Email: [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)  
Website: [www.ioa.org.uk](http://www.ioa.org.uk)

**Rochford District Council – Appendices**

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Musicians Union  
60 – 62 Clapham Road  
London  
SW9 0JJ

Telephone: 020 7840 5537  
Email: [eastsoutheast@musiciansunion.org.uk](mailto:eastsoutheast@musiciansunion.org.uk)  
Website: [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)

Security Industry Authority  
P O Box 1293  
Liverpool  
L69 1AX

Phone: 0844 892 0975  
Email: [info@the-sia.org.uk](mailto:info@the-sia.org.uk)  
Website: [www.the-sia.org.uk](http://www.the-sia.org.uk)

The Portman Group  
4<sup>th</sup> Floor,  
20 Conduit Street,  
London  
W1S 2XW

Phone: 020 7290 1460  
Email: [info@portmangroup.co.uk](mailto:info@portmangroup.co.uk)  
Website: [www.portmangroup.org](http://www.portmangroup.org)

## **Appendix K – Guidance on Classification of Films**

(Courtesy of British Board of Film Classification)

### **Universal Category**

It is impossible to predict what might upset any particular child. But a 'U' film should be suitable for audiences aged four years and over. Works aimed at children should be set within a positive moral framework and should offer reassuring counterbalances to any violence, threat or horror.

#### **Theme**

Treatment of problematic themes must be sensitive and appropriate to a younger audience.

#### **Language**

Infrequent use only of very mild bad language.

#### **Nudity**

Occasional natural nudity, with no sexual context.

#### **Sex**

Mild sexual behaviour (e.g., kissing) and references only (e.g., to 'making love').

#### **Violence**

Mild violence only. Occasional mild threat or menace only.

#### **Imitable techniques**

No emphasis on realistic weapons.

#### **Horror**

Horror effects should be mild and brief and should take account of the presence of very young viewers. The outcome should be reassuring.

#### **Drugs**

No references to illegal drugs or drug use.

Videos classified UC are particularly suitable for pre-school children.

### **Parental Guidance Category**

General viewing, but some scenes may be unsuitable for some children. Unaccompanied children of any age may watch. A 'PG' film should not disturb a child aged around eight or older. However, parents are advised to consider whether the content may upset younger or more sensitive children.



**Theme**

More serious issues may be featured, e.g. crime, domestic violence, racism (providing nothing in their treatment condones them).

**Language**

Mild bad language only.

**Nudity**

Natural nudity, with no sexual context. Rochford District Council Statement of Licensing Policy 07/01/05 – 06/01/08 Rev 01/05 2

**Sex**

Sexual activity may be implied, but should be discreet and infrequent. Mild sexual references and innuendo only.

**Violence**

Moderate violence, without detail, may be allowed - if justified by its setting (e.g. historic, comedy or fantasy).

**Imitable techniques**

No glamorisation of realistic, contemporary weapons. No detail of fighting or other dangerous techniques.

**Horror**

Frightening sequences should not be prolonged or intense. Fantasy settings may be a mitigating factor.

**Drugs**

No references to illegal drugs or drug use unless entirely innocuous.

**12/12A Category**

No-one younger than 12 may see a '12A' film in a cinema unless accompanied by an adult. No-one younger than 12 may rent or buy a '12' rated video.

**Theme**

Mature themes are acceptable, but their treatment must be suitable for young teenagers.

**Language**

The use of strong language (e.g. 'fuck') should be rare and must be justified by context.

**Nudity**

Nudity is allowed, but in a sexual context will be brief and discreet.

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### **Sex**

Sexual activity may be implied. Sexual references may reflect the familiarity of most adolescents today with sex education through school.

### **Violence**

Violence must not dwell on detail. There should be no emphasis on injuries or blood. Sexual violence may only be implied or briefly indicated and without physical detail. Imitable techniques. Dangerous techniques (examples include: combat, hanging, suicides) should contain no imitable detail. Realistic and contemporary weapons should not be glamorised.

### **Horror**

Sustained threat and menace is permitted. Occasional gory moments only.

### **Drugs**

Brief and occasional references to, and sight of, 'soft' drug-taking (e.g. cannabis) are allowed, but must be justified by context and should indicate the dangers. No instructional elements are permitted.

### **15 Category**

No-one younger than 15 may see a '15' film in a cinema. No-one younger than 15 may rent or buy a '15' rated video. Rochford District Council Statement of Licensing Policy 07/01/05 – 06/01/08 Rev 01/05 3

### **Theme**

No theme is prohibited, provided the treatment is appropriate to 15 year olds.

### **Language**

There may be frequent use of strong language; the strongest terms (e.g. 'cant') are only rarely acceptable. Continued aggressive use of strong language and sexual abuse is unacceptable.

### **Nudity**

There are no constraints on nudity in a non-sexual or educational context.

### **Sex**

Sexual activity and nudity may be portrayed but without strong detail. The depiction of casual sex should be handled responsibly. There may be occasional strong verbal references to sexual behaviour.

### **Violence**

Violence may be strong but may not dwell on the infliction of pain, and of injuries. Scenes of sexual violence must be discreet and brief.

### **Imitable techniques**

Dangerous combat techniques such as ear claps, head-butts and blows to the neck are unlikely to be acceptable. There may be no emphasis on the use of easily accessible lethal weapons (in particular, knives).

### **Horror**

Sustained or detailed infliction of pain or injury is unacceptable.

### **Drugs**

Drug taking may be shown but clear instructive detail is unacceptable. The film as a whole must not promote or encourage drug use.

### **18 Category**

No-one younger than 18 may see an '18' film in a cinema. No-one younger than 18 may rent or buy an '18' rated video.

The BBFC respects the right of adults to choose their own entertainment, within the law. It will therefore expect to intervene only rarely in relation to '18' rated cinema films. In the case of videos, which are more accessible to younger viewers, intervention may be more frequent.

There are no constraints at this level on theme, language, nudity or horror. The Board may, however, cut or reject the following content

- any detailed portrayal of violent or dangerous acts which is likely to promote the activity. This includes also instructive detail of illegal drug use;
- the more explicit images of sexual activity – unless they can be exceptionally justified by context.

### **Sex Education at '18'**

Where sex material genuinely seeks to inform and educate in matters such as human sexuality, safe sex and health, exceptions to the normal constraints on explicit images may be made in the public interest. Such explicit detail must be kept to the minimum necessary to illustrate the educational or instructional points being made.

### **Sex Works at '18'**

Material which appears to be simulated is generally passed '18', while images of real sex are confined to the 'R18' category.

### **R18 Category**

To be supplied only in licensed sex shops to adults of not less than 18 years. The 'R18' category is a special and legally restricted classification primarily for explicit videos of consenting sex between adults. Such videos may be supplied to adults only in licensed sex shops, of which there are currently about 90 in the UK. 'R18' videos may not be supplied by mail order.

The following content is not acceptable:

- any material which is in breach of the criminal law.
- material (including dialogue) likely to encourage an interest in abusive sexual activity (e.g., paedophilia, incest) which may include depictions involving adults role-playing as non-adults.
- the portrayal of any sexual activity, whether real or simulated, which involves lack of consent.
- the infliction of pain or physical harm, real or (in a sexual context) simulated.
- some allowance may be made for mild consensual activity.
- any sexual threats or humiliation which do not form part of a clearly consenting role-playing game.
- the use of any form of physical restraint which prevents participants from withdrawing consent, for example, ball gags.
- penetration by any object likely to cause actual harm or associated with violence.
- activity which is degrading or dehumanising (examples include the portrayal of bestiality, necrophilia, defecation, urolagnia).

The following content, subject to the above, may be permitted:

- aroused genitalia
- masturbation
- oral-genital contact including kissing, licking and sucking
- penetration by finger, penis, tongue, vibrator or dildo
- non-harmful fetish material
- group sexual activity
- ejaculation and semen

These guidelines make no distinction between heterosexual and homosexual activity.



**Rochford District Council**  
Council Offices South Street  
Rochford Essex SS4 1BW  
Phone: 01702 546366  
customerservices@rochford.gov.uk  
Website: [www.rochford.gov.uk](http://www.rochford.gov.uk)