

# Licensing Act 2003 Statement of Policy 2024 - 2029

## January 2024

### Basildon Borough Council

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Groups and/or individuals consulted on draft Policy:	Chief Officer of Police; Essex County Fire & Rescue Service Health and Safety Planning Authority Environmental Health Essex County Council (Child Protection Team) Essex Trading Standards Licensing Authority Health Body Local Solicitors who may represent the Licensed Trade; Trade Associations who may represent the Licensed Trade; All premises licensed for the sale or supply of alcohol, regulated entertainment and late night refreshment; All organisations belonging to the Council's Voluntary Services; Religious groups including: churches, faith groups, Salvation Army; Voluntary and support groups including Alcoholics Anonymous and the Citizens Advice Bureau; Town and Parish Councils; Basildon Safer Partnership Basildon Safeguarding Team Inclusion and Diversity Team, including disability groups.
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Governance	
The Policy applies to:	(List who is covered by this Policy)
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This Policy has related documents:	Yes <input type="checkbox"/> No <input type="checkbox"/>  Insert links to related documents i.e. Strategy, Action Plan, Procedure
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## 1. Introduction

This Statement of Licensing Policy is published under Section 5 of the Licensing Act 2003 and sets out the principles by which Basildon Borough Council, as the licensing authority, intends to discharge its functions as the Licensing Authority under the Licensing Act 2003 (referred to in this document as 'the Act'). The Licensing Policy sets out how the licensing authority will regulate the licensing process locally within the Borough of Basildon to promote the four licensing objectives, which are:

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

1.1 Licensing is about regulating the licensable activities on licensed premises, qualifying clubs and at Temporary Events within the terms set out in the Licensing Act 2003. The Licensing Authority is responsible for the consideration of applications for the grant of new, variation or review of premises licences, club premises certificates, personal licences and processing temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment. References in the text to licensed premises should be taken to include club premises, unless the context otherwise requires.

1.2 It should be noted that this policy covers a wide variety of premises and activities carried on in them including theatres, cinemas, restaurants, pubs, nightclubs, private members' clubs, village halls and community centres, as well as off-licences and late night food premises and vehicles selling hot food or hot drink after 11p.m. For this reason, this policy cannot detail all the factors that influence the promotion of the licensing objectives nor can this policy detail all the control measures that may be appropriate

1.3 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Committee are not bound by the decisions made by a Planning Committee and vice versa.

1.4 There is no legal basis for a Licensing Authority to refuse a licence because the relevant premises does not have planning permission or where there are conditions on the planning permission of a premise.



1.5 The Licensing Authority liaises with the Planning Authority to ensure they are aware of all new and varied premises licence and club premises certificate applications. This is achieved via a weekly email. This procedure is in addition to the statutory requirement for all applicants to provide a copy of their application to the Planning Authority.

1.6 There are circumstances when a condition of planning permission, a terminal hour has been set for the use of the premises for commercial purposes. Where these hours are different to the licensing hours granted, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action from the planning department even in circumstances where the licensing permission allowed a later terminal hour.

1.7 Where there is an application for planning permission, the National Planning Policy Framework expects new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required by the local planning authority to provide suitable mitigation before the development has been completed.

## **2. Description of the Borough**

2.1 Basildon Borough Council is situated in the geographical County of Essex, which comprises twelve District and Borough Councils and two Unitary Authorities. The area of Basildon has a population of around 187,600 (2021 census) and covers an area of 42.5 square miles. The main centres of population are in the towns of Basildon, Billericay and Wickford.

2.2 There is a large range and scale of entertainment/alcohol establishments in the three towns. The development of a college with in Basildon Town Centre will have an impact upon the exiting infra-structure and town centre facilities.

2.3 A further description of the Borough can be found in Appendix 1. A map of the area is attached to this policy document at Appendix 2

### 3. Statement of Licensing Policy

3.1 The Licensing Authority is required by Section 5 the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.

3.2 This policy must be reviewed and published every 5 years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The new policy must then be published.

3.3 This Policy takes effect on 08 January 2024 and replaces the Policy previously in force.

### 4. Consultation

4.1 In producing this policy, the Licensing Authority carried out an extensive consultation program between 17<sup>th</sup> July 2023 and 26<sup>th</sup> August 2023.

4.2 The Act requires that the following parties are consulted by the Licensing Authority:-

- a) the chief officer of police for the licensing authority's area,
- b) the fire authority for that area,
- c) the director of public health for the licensing authority's area,
- d) such persons as the Licensing Authority considers to be representative of holders of premises licences issued by that authority,
- e) such persons as the Licensing Authority considers to be representative of holders of club premises certificates issued by that authority,
- f) such persons as the Licensing Authority considers to be representative of holders of personal licences issued by that authority, and
- g) such other persons as the licensing authority considers to be representative of businesses and residents in its area.

4.3 In addition, the Licensing Authority chose to consult additional local groups and individuals namely:-

- Responsible Authorities under the Act;
- Other elements of local government;
- Organisations, including faith groups and voluntary organisations, and the Citizens Advice Bureau;



- Groups which have an influence on the night time economy.

## 5. Approval of Policy

5.1 This policy was approved at a meeting of the Full Council on 19<sup>th</sup> October 2023 and was published via its website simultaneously. Copies are available on request.

## 6. Exchange of Information

6.1 The Licensing Authority is under a duty to protect the public funds it administers, and to this end may use, for the prevention and detection of fraud, the information provided by applicants. It may also share this information for these purposes with other bodies responsible for auditing or administering public funds.

6.2 In accordance with the provisions of the Crime and Disorder Act 1998, the Licensing Authority may exchange information provided by applicants with law enforcement agencies for purposes connected with the prevention and detection of crime.

6.3 When undertaking any data sharing exercise, regard shall be had to the relevant provisions contained in data protection laws, including under the General Data Protection Regulations.

## 7. Public Register

7.1 The Licensing Authority keeps a public register which may be inspected at the offices of the Licensing Authority on Mondays to Fridays (except bank and public holidays) between 10am and 4.00 pm please book an appointment prior to attending the council offices by contacting licensing at [licensing@basildon.gov.uk](mailto:licensing@basildon.gov.uk) or call 01268 206925. Regulations prescribe what information should be kept in the register. <https://www.basildon.gov.uk/article/7048/Licensing-Register-of-Premises-and-Club-Licences>

7.2 The Licensing Authority publish details of applications on the Councils website <https://www.basildon.gov.uk/article/4316/Licensing-List-of-recent-Premises-Club-or-Pavement-Licence-applications>

## 8. Compliance and Enforcement

8.1 In exercising its functions with regard to the inspection of premises and to the institution of criminal proceedings for offences committed under the Act, or the calling of a licence review, the Licensing Authority will follow best practice. This requires that actions should be:-

- Proportionate - intervention will only take place when necessary. Remedies shall be appropriate to the risk posed and costs identified and minimised.
- Accountability - the Licensing Authority shall ensure it is able to justify its decisions and be subject to public scrutiny.
- Consistent - rules and standards shall be joined up and implemented fairly.
- Transparent - enforcement shall be open and regulations kept simple and user friendly.
- Targeted - enforcement shall be focused on the problems and minimise side effects.

8.2 The Licensing Authority will endeavour to avoid duplication with other regulatory regimes, so far as is possible, and will adopt a risk based inspection programme.

8.3 The main enforcement and compliance role of the Licensing Authority is to ensure compliance with the licences and permissions it authorises. Where appropriate we may conduct joint inspections of licensed premises, or premises which may need a licence, in conjunction with other enforcing authorities.

8.4 Where appropriate complaints will be investigated in accordance with the stepped approach outlined in the Regulatory Services Enforcement Policy. In the first instance we encourage complaints to be raised directly with the licensee or business concerned.

8.5 The Licensing Authority will keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of Local Authorities.

8.6 The Licensing Authority's enforcement/compliance protocols are available on request, as are details of the risk-based approach to inspections.

## 9. Introduction to the Act

9.1 In exercising its functions under the Act, the Licensing Authority must have regard to and promote the four licensing objectives namely:-

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

9.2 Applicants are advised to consider providing evidence that suitable and sufficient control measures, as detailed in their operating schedule, will be implemented and maintained relevant to the nature and mode of operation of their premises and events.

9.3 The Licensing Authority has certain expectations in respect of applicants and the operating schedules they produce. It is for applicants to decide on the extent of measures to be set out in their operating schedules but when assessing applications the Licensing Authority must be satisfied that the measures proposed aim to achieve the licensing objectives, as far as is possible.

9.4 Duplication with other regulatory regimes should be avoided. In particular, applicants should have regard to the fact that the Local Authority's licensing function will be discharged separately from its functions as the local planning authority. Normally, applications for premises licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

9.5 This policy covers a wide variety of premises and activities and for this reason it cannot detail all the factors which influence the achievement of the licensing objectives, nor can it detail all the control measures which may be appropriate.

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

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

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

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

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

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

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

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

## 10. Prevention of Crime and Disorder

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

10.2 Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Local Authority when carrying out its various functions to do all it reasonably can to prevent crime and disorder in its area.

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

- Underage drinking
- Drunkenness on premises
- Drugs misuse
- Violent behaviour
- Anti-social behaviour
- Right to work/immigration offences In 2017 Immigration safeguards were introduced to the licensing regime the objective is to prevent illegal working in these sectors of the economy

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

- Effective and responsible management and supervisory control of the premises and associated open areas.
- Appropriate instruction, training and supervision of those employed or engaged to prevent incidents of crime and disorder.
- The keeping of appropriate written training records.
- Adoption of best practice guidance. for example, safer clubbing, the government's alcohol strategy and other voluntary codes of practice, including those relating to drinks promotions, such as 'Security in Design' published by BBPA and 'Drugs and Pubs', published by BBPA

- Acceptance of 'proof of age' documentation, as reviewed from time to time by the Licensing Authority, for example, PASS, locally-approved 'proof of age' cards and/or 'new type' driving licences with photographs and/or passports
- adoption of a 'Challenge 25' policy whereby an approved ID must be produced to prove the customer is over 18 years of age
- Provision of effective CCTV in and around the premises with retention of images for a suitable period
- Engagement of door staff. Where door staff are present they must be Security Industry Authority licensed.
- Provision of drinking vessels made from appropriate toughened material or plastic
- provision of secure, deposit boxes for confiscated items, such as a Drug Safe.
- Membership of local "Pubwatch" schemes or similar organisations
- Design and seating layout
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- Keeping up to date with new guidance such as the [LGA guidance note on drink spiking prevention | Local Government Association](#) and the recent consultation on a revised section 182 [\[Title\] \(instituteoflicensing.org\)](#)

10.5 Certain temporary events are not required to be licensed but can be notified to the Licensing Authority, Essex Police and Environmental Health using the Temporary Event Notice procedure. However, depending on the nature and location of such events, these can have serious implications on all four licensing objectives. Although the legislation requires a minimum of ten working days' notice to be given (five working days' notice in the case of Late Temporary Event Notices), organisers of these events are encouraged to submit their notification as soon as reasonably practicable to enable the Police, Environmental Health and the Licensing Authority to work with them to identify and reduce the risk to the licensing objectives.

## 11. Public Safety

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

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



- the number of people frequenting the premises / capacity ;
- the condition, lay-out and design of the premises;
- the hours of operation – differentiating the hours of opening from the hours when licensable activities are provided, if different
- the nature of the activities to be provided;
- customer profile;
- the use of special effects such as lasers, pyrotechnics, foam machines and so on.

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

- Suitable and sufficient risk assessments.
- Effective and responsible management of premises.
- Provision of a sufficient number of people employed or engaged to secure the safety of all those present.
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of all those present.
- The keeping of appropriate written training records.
- Adoption of best practice guidance - for example, The Event Safety Guide and keeping up to date with any new legislation such as the up coming Protect Duty or Martyn's Law
- Provision of effective CCTV in an around the premises.
- Provision of drinking vessels made from appropriate toughened material or plastic on certain occasions
- Implementation of crowd management measures.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- The condition, design and layout of the premises, including the means of escape in an emergency.

11.4 The Licensing Objective for public safety overlaps with Fire Safety requirements, which are enforced by the Essex County Fire and Rescue Service, under the Regulatory Reform (Fire Safety) Order 2005, in premises where licensable activities take place in the Borough of Basildon. In the majority of cases, therefore, fire safety requirements will not form part of the conditions relating to premises licences and club premises certificates, as it is more appropriate to enforce those requirements through

more specific statutory provisions. However, when the Licensing Authority's decision making powers under the Act have been engaged following the receipt of relevant representations and where it is considered that such statutory provisions do not provide for adequate protection with regard to public safety, consideration may be given to addressing those matters through the imposition of licence/certificate conditions.

11.5 Events Safety Advisory Group (ESAG) The priority of any event must be human health and safety. Responsibility for health and safety rests with the organiser, but the Council and its partners have a duty to ensure all relevant health and safety guidance is followed. This is undertaken through the Events Safety Advisory Group (ESAG). The role of the ESAG is to consider "large-scale" public events regardless of who owns the venue or land and advise organisers on the requirements, ESAG is a multi-partner group including Police, Council, Fire and Highways. In general, "large-scale" public events will be considered as those where more than 500 people are expected to attend, although smaller events may require the involvement of the SAG depending on the event. The ESAG remit also includes outdoor events which require a premises licence under the Licensing Act 2003, firework displays, carnivals, parades, music festivals and other large-scale events of a similar nature. Advice and guidance where applicable such as a template Event Management Plan (EMP) . Demonstrate and promote best practice while undertaking events. Once a draft EMP has been submitted it is distributed to the partners and a meeting is organised with the holder of the event and the Council and it's partners to go through the EMP. The Agenda is sent out and goes through the different aspects of the EMP and discussed between the group and the holders of the event in order to agree an final EMP. If required an ESAG will be organised after the event in order to debrief.

## **12. Prevention of Public Nuisance**

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

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

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

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

- the location of the premises (including open areas associated with them) and proximity to residential and other noise sensitive premises.
- the customer profile.
- the hours of operation, particularly between 23.00 and 07.00 hours.
- the nature of activities provided.
- the design and layout of the premises and in particular the use of noise limiting features.
- provision of facilities for smokers in line with Health Act 2006
- the number of people frequenting the premises.
- the availability of public transport and the availability and location of car parks utilised by patrons.
- any 'wind down period' between the end of the licensable activities and closure of the premises.
- the time of last admission.
- measures for orderly and safe dispersal of customers
- the use of special effects such as lasers, pyrotechnics, and so on.

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

- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.
- Appropriate instructions, training and supervision of staff.
- The keeping of appropriate written training records.
- Control of operating hours for all, or parts of, the premises, including such matters as deliveries and the operation of machinery and any outside / garden areas.
- Adoption of best practice guidance. for example, 'Good Practice Guide on the Control of Noise from Pubs and Clubs' produced by Institute of Acoustics, 'Licensee Guidance – Noise Control', published by BBPA

- Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and (where appropriate) sound limitation devices.
- Signage displayed at premises requesting that patrons leave quietly
- Management of people (including staff) and traffic (and resulting queues) arriving at and leaving the premises.
- Liaison with transport providers.
- Siting of external lighting, including security lighting.
- Management arrangements for the collection and disposal of litter.
- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.
- details of dispersal policy for customers leaving the venue.

### **13. Protection of Children from Harm**

13.1 Family friendly premises are to be encouraged but the risk of harm to children remains a paramount consideration when applications are determined.

13.2 The protection of children from harm includes their protection from moral, psychological and physical harm.

13.3 In relation to the exhibition of films, or transmission of programmes or videos, this includes protection from exposure to strong language, sexual expletives and violence. The Licensing Authority will expect licensees to implement measures which restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification.

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

13.5 Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to safeguard children from harm.

13.6 Factors which may have an impact on the safety of children and give particular cause for concern may include:

- where entertainment or services of an adult or sexual nature are commonly provided.
- where there have been convictions of members of the current staff at the premises for serving alcohol to minors, or premises with a reputation for underage drinking.
- Proxy sales of alcohol to minors (i.e. adults purchasing for persons who are underage).
- The premises have a known association with illegal drug taking or dealing.
- where there is a strong element of gambling on the premises, and
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- where there is an increased risk of child sexual exploitation (CSE)

13.7 Premises which are classed as Sexual Entertainment Venues are separately licensed under the Local Government (Miscellaneous Provisions) Act 1982 and are subject to additional regulation to protect children from harm.

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

- Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas;
- Appropriate instruction, training and supervision of staff; including CSE training
- employment of security industry authority licensed door staff
- The keeping of appropriate written training records;
- Adoption of best practice guidance;
- Complete exclusion of children, limitations on the hours when children may be present, restrictions from being in certain parts of the premises, or exclusion from certain activities;
- Imposition of requirements for children to be accompanied by an adult;
- measures to ensure children do not purchase, acquire or consume alcohol – for example, 'Challenge 25' scheme
- Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority;

- measures to ensure children are not exposed to incidences of violence or disorder
- appropriate siting and supervision of amusements with prizes machines
- Proper arrangement to be made to enable the personal licence holder to monitor the activity they have authorised.

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

In the case of film exhibitions, the Licensing Authority will expect licence and certificate holders and those who have given notice of a temporary event within the terms of the 2003 Act to implement measures that restrict children from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority. Films which have not been classified by the BBFC will need to be submitted to the Licensing Authority in accordance with the Policy for Determining Film Classification.

## **14. Advice and Guidance**

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

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

14.3 Contact details are set out Appendix 5.

14.4 The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. If there are relevant representations the application will be considered by the Licensing Sub-



Committee at a hearing which will, in most circumstances, be at a meeting held in public.

## **15. Applications**

15.1 When considering applications the Licensing Authority will have regard to the Act and the licensing objectives, this policy, Government guidance issued under Section 182 of the Licensing Act 2003 (as revised), and all supporting regulations.

15.2 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.

15.3 Where a licence holder wishes to amend the licence, in most cases an application for variation can be made, rather than an application for a new premises licence. This would include:

- varying the hours during which a licensable activity is permitted
- adding or removing licensable activities
- amending, adding or removing conditions within a licence
- altering any aspect of the layout of the premises which is shown on the plan – the Licensing Authority will consider whether there is any likely impact on the promotion of the licensing objectives when deciding whether there is a need for an application to vary in relation to features which are not required to be shown on the plan but have, nevertheless, been included

15.4 An application for a Minor Variation may be considered for minor changes to the structure or layout of a premises; small adjustments to licensing hours; removal of out of date, irrelevant or unenforceable conditions or adding certain licensable activities.

15.5 In all cases, applicants and those making representation in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority

## **16. Representations**

16.1 The Licensing Authority, the Chief Officer of Police, the Fire Authority, the Home Office, the Enforcing Authority for health and safety purposes, the local planning authority, the authority responsible for minimising or preventing the risk of pollution, the

local health body, and the Child Protection Authority are all known as 'Responsible Authorities'. These responsible authorities may make representations on applications, so far as they relate to the promotion of the four licensing objectives, and request reviews once licences have been granted.

16.2 Any other person, including any individual, body or business entitled to make representation, may also comment on an application, regardless of their geographic proximity to the premises to which the application relates. Any other person can make the representation or they may ask for a representative to make it on their behalf. Members of the Licensing Authority may also make representations as other persons. A representation would only be 'relevant' if it relates to the effect of the grant of the licence on the promotion of at least one of the four licensing objectives. The representation must not be frivolous or vexatious, and in the case of reviews, in addition, not repetitious.

16.3 Any representations must relate to the named premises and are restricted to the 4 licensing objectives. The Licensing Authority will need to be satisfied there is an evidential link between the representations made, the licensing objectives and the premises in question. Where a representation simply relists the licensing objections without stating why it is considered the grant of the application will undermine or fail to promote them, it may be rejected as invalid.

16.4 The Licensing Act 2003 (hearings) Regulations 2005 require the Licensing Authority to provide the applicant with copies of any relevant representations made. Any person making a representation to an application should bear in mind that their personal data (such as name and address) will be disclosed to the applicant. The Licensing Authority will not edit your letter of representation before it sends it out, with the exception of telephone numbers, e-mail addresses and signatures

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

16.5 It is only when relevant representations are received that the Licensing Authority may hold a hearing. It will pay particular attention at any hearing whether to impose extra conditions in addition to any which may already be included in the operating schedule, with a view to promoting the objectives

16.6 Where no representations are received, the application must be granted on the terms sought by the applicant.

## **17. Conditions**

17.1 Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives. Any conditions arising from the operating schedule or as a result of representations will primarily focus on the direct impact of the activities taking place at licensed premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters that are within the control of individual licensees.

17.2 If an applicant volunteers a prohibition or restriction in their operating schedule because their own risk assessment has determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence, or certificate and will be enforceable as such.

17.3 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises, in order to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions will therefore be avoided, and no condition will be imposed that cannot be shown to be appropriate for the promotion of the licensing objectives.

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

## **18. Reviews**

18.1 Where possible and appropriate any responsible authority will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

18.2. Responsible authorities and/or any other person can trigger a review of a premises licence. However, such reviews should, where possible, be supported by evidence to be presented to the Licensing Authority.

18.3. No more than one review from any other person will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances.

## 19. Licensing Committee

19.1 The Committee is composed of 10 Councillors. A contested application will be heard by a sub-committee comprising 3 members of the Licensing Committee or a quorum as required by the Council's constitution.

19.2 When considering applications the sub-committee will have regard to this Policy, statutory guidance, the Act and attached regulations and the licensing objectives.

19.3 Each application is considered on its individual merits.

19.4 Should the sub-committee decide to approve the application the mandatory licence conditions must be applied. In addition, the sub-committee will determine whether it is appropriate to attach other conditions to a licence, certificate or permission to secure achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.

19.5 In determining whether a person lives or has business interests sufficiently close to the premises so as to be likely to be affected by the proposed activities, the Licensing Authority will consider factors such as:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the residence or business of the person making the representations;
- The potential impact of the premises (e.g. the number of customers and routes likely to be taken by its customers).

19.6 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.

19.7 The Licensing Authority will avoid attaching conditions which duplicate other regulatory regimes wherever possible.

19.8 A list of which matters will be dealt with at committee and those which are delegated to licensing officers can be found at appendix 8

## **20. Appeals**

20.1 An appeal may be made to the Magistrates' Court against a decision of the Licensing Authority. The appeal must be made within 21 days of being notified of the decision to be appealed against.

20.2 The following may appeal:-

- The applicant;
- A Responsible Authority or any person who made relevant representations;
- In the case of a review, the holder of the licence or certificate being reviewed.

## **21. Suspension of Licences**

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

## **22. Outcomes and Priorities**

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

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

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

## 23. Links to other Corporate Policies or Partner documents

key corporate documents:

- Basildon Borough Council Corporate Plan [Corporate Plan 2022-26 - Basildon](#)
- The Community Strategy [Community Strategy - Basildon](#)
- Equality and Diversity Policy [Inclusion and Diversity Policy - Basildon](#)
- Basildon Local Plan [Adopted Local Plan - Basildon](#)
- Regulatory Services Enforcement Policy [Basildon Council - Regulatory Services Enforcement Policy - February 2015](#)
- Basildon Borough Council Safeguarding Policy [Safeguarding Policy - Basildon](#)
- Community Safety Partnership Strategy [Safer Basildon Partnership - What we do - Basildon](#)

## 24. Appendices

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



### **The Borough of Basildon Fact File**

- Basildon Borough lies in the southern part of Essex thirty miles east of London. Covering some 42.5 square miles and has a population of 187,600 (2021 census). The Borough includes the towns of Basildon, Billericay and Wickford. Some seventy per cent of the borough is rural with large areas of open farmland and scattered rural developments.
- With excellent road and rail links to London, the rest of the County and South East England, Basildon has much to offer. Only seven miles of major roads separate Basildon from the M25, the Channel ports and tunnel are within easy reach.
- Stansted and Southend Airports are within 45 minutes' drive and Gatwick Airport is just over an hour away. Basildon is one of the most successful English towns with a flourishing business community and a vibrant regional shopping centre.
- More than two hundred major stores and shops attract customers from a catchment population in excess of one million within half an hour's drive. In contrast, Billericay is a combination of historic and modern. It retains some of its old world charm yet has a thriving industrial estate and modern shopping facilities and services.
- Wickford has undergone major investment with several new industrial estates being created and new houses built.
- Through Thames Gateway the Borough is the commercial and business centre of South Essex and accounts for nearly a quarter of the manufacturing output of Essex.
- With substantial industrial, office, and retail floor space, the Borough is a major centre for business and employment. While some thirty per cent of the Borough's workforce commutes into London every day, just as many people enter the Borough to work every day as leave it.
- The Borough has been recognised as the business hub within the Thames Gateway South Essex initiative.
- The Borough has a varied nightlife consisting of restaurants, public houses, clubs and hotels.

### **Basildon**

- The Town Centre is served by public houses and licensed restaurants. There is licensed snooker centre. Most pubs provide food and there are a

number of licensed restaurants open at night. There is a 722 seat theatre that is providing a regular varied programme of activities. In addition, an ambitious regeneration programme is seeking to bring additional activities into the town centre to improve the offer under the night time economy.

- Throughout the residential areas of Basildon, there are a variety of pubs and clubs, many now providing musical entertainment on a regular basis. There are Designated Public Places Orders in 2 areas of Basildon. They are Basildon Town Centre and the surrounding area and around Felmores Shopping Centre.
- There are no hotels in the Basildon Town Centre but there are 3 other hotels in Basildon, in addition to those on the Festival Leisure Park.

### **Festival Leisure Park**

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

### **Billericay**

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

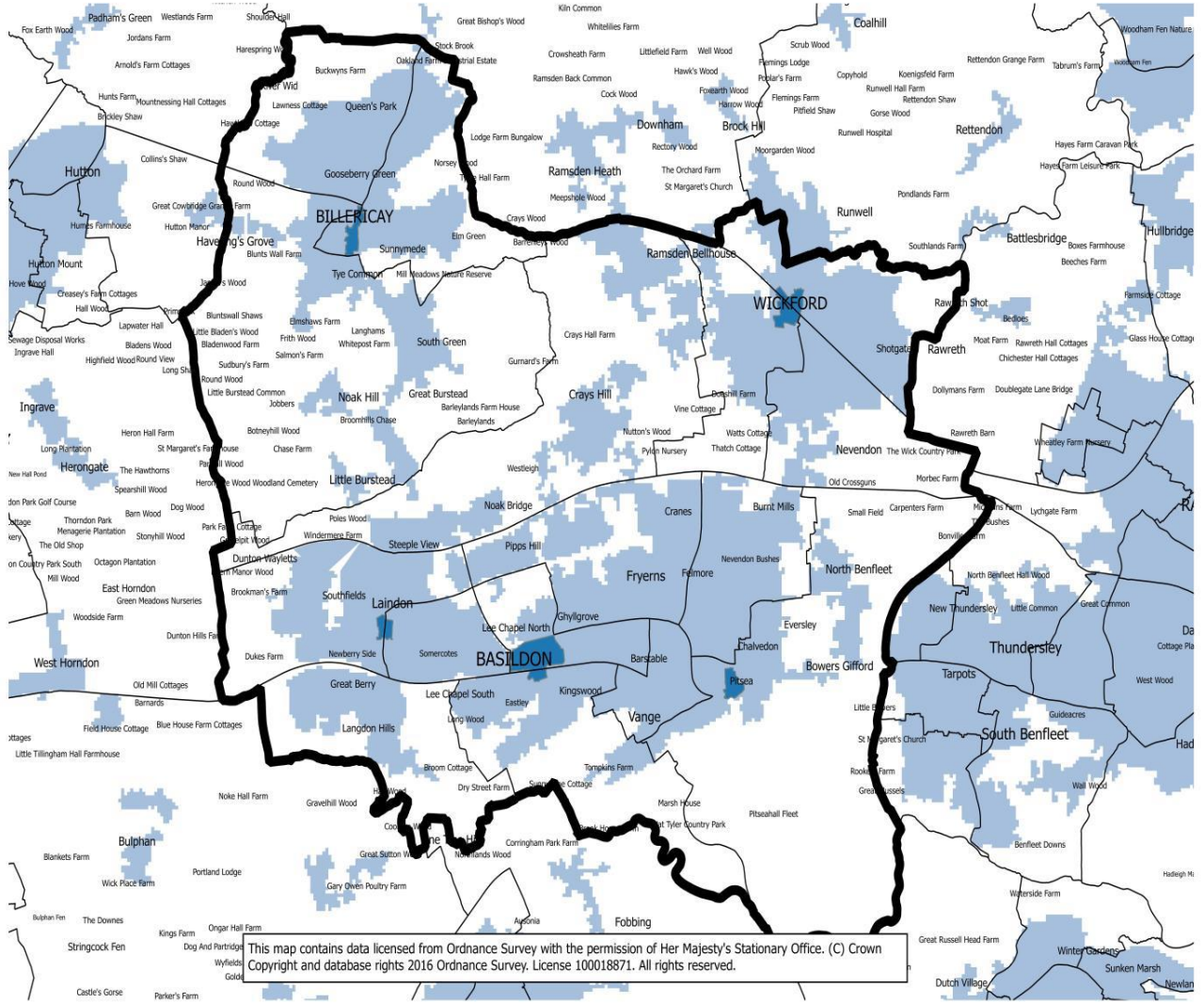
### **Wickford**

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

## General

- In general, the whole of the Basildon Borough Council area is well provided with community halls and centres, some of which are licensed.
- Currently 367 premises licences and 21 club premises certificates are in existence in the Borough.
- Please note that the figures quoted were correct at the time of publishing this document. As necessary, please refer to the latest information on the Council's website ([www.basildon.gov.uk](http://www.basildon.gov.uk)) or make special enquiry to the Council

# MAP OF THE BOROUGH OF BASILDON



### **References to Guides and Best Practice**

- Guidance Issued under Section 182 of the Licensing Act 2003 [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/section-182-guidance-issued-under-section-182-of-the-licensing-act-2003)
- Licensing Act 2003 [Licensing Act 2003 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2003/18/section/182)
- LGA Councillors Handbook guidance Licensing Act 2003 [10 36 Licensing Act 2003 V04 3 1.pdf \(local.gov.uk\)](https://www.local.gov.uk/media/1036/Licensing_Act_2003_V04_3_1.pdf)
- The Alcohol Strategy [Alcohol strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/alcohol-strategy)
- Regulator's Compliance Code [Regulators' Code - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/regulators-compliance-code)
- Environmental Health Enforcement Policy [Basildon Council - Regulatory Services Enforcement Policy - February 2015](https://www.basildon.gov.uk/media/1036/Basildon_Council_Regulatory_Services_Enforcement_Policy_February_2015)
- The National Alcohol Harm Reduction [00423 FC BC pp02 \(ias.org.uk\)](https://www.ias.org.uk/00423_FC_BC_pp02)
- [Home | BBPA \(beerandpub.com\)](https://www.beerandpub.com/)
- Fire Safety Risk Assessment Guides: [Fire safety in the workplace: Fire risk assessments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/fire-safety-risk-assessment-guides)
- The Event Safety Guide [Events health and safety \(hse.gov.uk\)](https://www.hse.gov.uk/events/) & [The Purple Guide](https://www.hse.gov.uk/purple/)
- [Martyn's Law Factsheet - Home Office in the media \(blog.gov.uk\)](https://www.blog.gov.uk/2017/07/11/martyns-law-factsheet)
- ["Martyn's Law" - What you need to know | ProtectUK](https://www.protectuk.co.uk/martyns-law)
- Good Practice Guide on the Control of Noise [Sound advice: Control of noise at work in music and entertainment - HSG260 \(hse.gov.uk\)](https://www.hse.gov.uk/soundadvice/)
- The Portman Group Code of Practice [» Codes of Practice \(portmangroup.org.uk\)](https://www.portmangroup.org.uk/codes-of-practice)
- British Institute of Innkeepers [British Institute of Innkeeping \(bii.org\)](https://www.bii.org/)
- Institute of Licensing [Institute of Licensing](https://www.instituteoflicensing.org/)
- Security Industry Authority [Security Industry Authority - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/security-industry-authority)
- Local Government Association guidance note on drink spiking prevention [LGA guidance note on drink spiking prevention | Local Government Association](https://www.local.gov.uk/media/1036/LGA_guidance_note_on_drink_spiking_prevention)
- Home Office Consultation on section 182 guidance to spiking consultation which began on the 16/12/2022 <https://www.instituteoflicensing.org/media/sa0joqo4/consultation-section-182-guidance-spiking-1-16-dec-2022.pdf>

**Contact Details for the Licensing Authority and Responsible Authorities**

All correspondence for the Licensing Authority should be addressed to:

The Licensing Team  
Basildon Borough Council  
St. Martins Square  
Basildon, Essex  
SS14 1DL  
Telephone: 01268 206925  
Email: [licensing@basildon.gov.uk](mailto:licensing@basildon.gov.uk)

The Responsible Authorities are:

a) The Chief Officer of Police:-

Essex Police  
Licensing Department (Alcohol & Gambling)  
Blythes Meadow  
Braintree  
Essex CM7 3DJ  
Telephone: 01245 452035  
Email: [licensing.applications@essex.police.uk](mailto:licensing.applications@essex.police.uk)

b) The Fire Authority:-

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



c) The Local Planning Authority:-

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

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

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

e) The Health and Safety Enforcing Authority  
Either (in respect of premises subject to Local Authority Enforcement)  
Manager of Environmental Health (Health & Safety)

The Basildon Centre  
St. Martins Square  
Basildon  
Essex SS14 1DL  
Telephone: 01268 533333  
Email: [ehs@basildon.gov.uk](mailto:ehs@basildon.gov.uk)  
Website: [www.basildon.gov.uk](http://www.basildon.gov.uk)

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

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

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

Essex County Council  
Children's Safeguarding Service  
70 Duke Street  
Chelmsford  
Essex CM1 1JP  
Telephone: 03330 134076  
Email: [licenceapplications@essex.gov.uk](mailto:licenceapplications@essex.gov.uk)  
Website: [www.escb.co.uk/working-with-children/licensing-guidelines/](http://www.escb.co.uk/working-with-children/licensing-guidelines/)

g) The Weights and Measures Authority

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

Email: [eshbsnewdukesway@essex.gov.uk](mailto:eshbsnewdukesway@essex.gov.uk)

h) Home Office (Immigration Enforcement):

Alcohol Licensing Team  
Lunar House  
40 Wellesley Road  
Croydon  
CR9 2BY

Email: [alcohol@homeoffice.gsi.gov.uk](mailto:alcohol@homeoffice.gsi.gov.uk)

i) The Public Health Authority

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

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

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

**Contact Details and Useful Addresses**

1. Arts Council England  
14 Great Peter Street  
London  
SW1P 3NQ  
Tel: 0845 300 6200  
Email: [enquiries@artscouncil.org.uk](mailto:enquiries@artscouncil.org.uk)  
Web: [www.artscouncil.org.uk](http://www.artscouncil.org.uk)
2. UK Hospitality  
6th Floor  
10 Bloomsbury Way  
London WC1 2SL  
Tel: 020 74047744  
Email: [info@ukhospitality.org.uk](mailto:info@ukhospitality.org.uk)  
Web: [www.ukhospitality.org.uk/](http://www.ukhospitality.org.uk/)
3. British Beer & Pub Association  
Ground Floor  
Brewers' Hall  
Aldermanbury Square  
London, EC2V 7HR  
Tel: 020 7627 9191  
Email: [web@beerandpub.com](mailto:web@beerandpub.com)  
Web: [www.beerandpub.com](http://www.beerandpub.com)
4. British Board of Film Classification  
3 Soho Square  
London  
W1D 3HD  
Tel: 020 7440 1570  
Email: [helpline@bbfc.co.uk](mailto:helpline@bbfc.co.uk)  
Web: [www.bbfc.co.uk](http://www.bbfc.co.uk)
5. British Institute of Innkeeping  
Infor House  
1 Lakeside Road  
Farnborough  
GU14 6XP  
Tel: 01276 684 449  
Email: [reception@bii.org](mailto:reception@bii.org)  
Web: [www.bii.org](http://www.bii.org)
6. Equality & Human Rights Commission  
Fleetback House  
2-6 Salisbury Square  
London  
EC4Y 8JX  
Tel: 020 7832 7800  
Web: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)

7. Essex Chamber of Commerce  
PMS International House  
Cricketers Way  
Basildon, Essex  
SS13 1ST

Tel: 01268 209050  
Web: [www.essexchambers.co.uk](http://www.essexchambers.co.uk)
8. Safety Basildon Partnership  
Basildon Borough Council  
The Basildon Centre  
St. Martin's Square  
Basildon  
Essex

Tel: 01268 206906  
email: [CSTRegulation@basildon.gov.uk](mailto:CSTRegulation@basildon.gov.uk)  
Web: [www.basildon.gov.uk](http://www.basildon.gov.uk)
9. Inclusion & Diversity  
Basildon Borough Council  
Basildon Centre  
St. Martins Square  
Basildon, Essex  
SS14 1DL

Tel: 01268 207975  
Email: [IDDiversity@basildon.gov.uk](mailto:IDDiversity@basildon.gov.uk)  
Web: [www.basildon.gov.uk](http://www.basildon.gov.uk)
10. Essex County Council  
Trading Standards  
CG32 County Hall  
Market Road  
Chelmsford  
Essex CM1 1QH

Tel: 01245 341986/7  
Email: [tradingstandards@essex.gov.uk](mailto:tradingstandards@essex.gov.uk)  
Web: [www.tradingstandards.gov.uk](http://www.tradingstandards.gov.uk)
11. Equity  
Guild House  
Upper St. Martins Lane  
London  
WC2H 9EG

Tel: 020 7379 6000  
Email: [info@equity.org.uk](mailto:info@equity.org.uk)  
Web: [www.equity.org.uk](http://www.equity.org.uk)
12. Institute of Acoustics  
Silbury Court  
406 Silbury Boulevard  
Milton Keynes  
MK9 2AF

Tel: 0300 999 9675  
Email: [ioa@ioa.org.uk](mailto:ioa@ioa.org.uk)  
Web: [www.ioa.org.uk](http://www.ioa.org.uk)

13. Musicians Union  
MU East & South East England  
1A Fentiman Road  
London  
SW8 1LD

Tel: 020 7840 5537  
Web: [www.musiciansunion.org.uk](http://www.musiciansunion.org.uk)
14. Security Industry Authority  
PO Box 8  
Newcastle upon Tyne  
NE82 6YX

Tel: 08702 430100  
Web: [www.sia.homeoffice.gov.uk](http://www.sia.homeoffice.gov.uk)
15. The Portman Group  
4th Floor  
20 Conduit Street  
London  
W1S 2XW

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

## Appendix 6

### **Application process**

Applications for all premises licences and temporary event notices can be made online by using the links to the online forms at [Licensing - Alcohol and Entertainment - Basildon](#)

Alternatively applications can be submitted by post to:

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

Applications for personal licences can be emailed to [licensing@basildon.gov.uk](mailto:licensing@basildon.gov.uk) with the original qualification certificate and original DBS certificate being sent to the address above.

### **Electronic applications**

The Licensing Authority will accept online and electronic applications, however all relevant documents must be supplied together with the appropriate fee. All hard copy applications will be treated in line with the relevant regulations and all applications and relevant documentation must continue to be submitted in their entirety and not in stages to avoid the potential for any errors.

Where applications have been submitted online through GOV.UK or the Authority's own facility, the Licensing Authority is responsible for sending copies of the application to the Responsible Authorities for consultation. However, if any part of the application is submitted in writing, the applicant must send copies of these parts to the Responsible Authorities.

Any advertising requirements must still be met whether the application is submitted electronically or in writing and this remains the responsibility of the applicant.

This Authority will continue to assist the applicant in correcting any minor factual errors in their applications. However, the Licensing Authority shall not consider errors to fall within this category which, if permitted could potentially breach relevant regulations nor

errors which could result in changes to consultation dates. The interpretation of obvious factual errors shall rest with the Licensing Authority.

## **Personal licence**

### New applications

To apply for a new Personal Licence, applicants must be over 18 years of age and will need to submit:

- a completed application form and a declaration form completed by the applicant that either they have not been convicted of a relevant offence or a foreign relevant offence or that they have been convicted of a relevant offence or a foreign offence accompanied by details of the nature and date of the conviction and any sentence imposed on them in respect of it
- two passport photographs (one of which must be certified as a true likeness)
- the original of the applicant's licensing qualification
- a basic criminal conviction certificate, or a criminal record certificate, or the results of subject access search on the police national computer by National Intelligence Service, – the criminal checks must not be more than 1 calendar month old when the application is received
- Proof of the applicant's right to work in the UK
- the appropriate fee

### Renewals

It is no longer necessary to renew personal licences. Personal licences that were previously issued showing an expiry date are still valid.

### Change of name or address to an existing Personal Licence

You must let us know:

Your name, address and contact details

The name of the business and its address

Details of the change

To sign a declaration

To pay the fee of £10.50

Once we receive your notification, we will issue you with an updated personal licence.



## Premises licence and Club certificates

To apply for a Premises Licence or Club Premises Certificate under the provisions of Section 17/71 of the Licensing Act 2003. It should be noted that the forms are prescribed forms issued by the Government.

Applications should be completed and submitted online at [www.Basildon.gov.uk](http://www.Basildon.gov.uk)

Please read the instructions and guidance notes before completing the form. When submitting the application, the following must be attached:

- the appropriate application fee, – please note the fee for a Premises Licence or Club Certificate is payable annually on the anniversary of the granting of the application, and non-payment of this fee will be treated by the Licensing Authority as a serious matter and will result in the suspension of the licence
- a plan of the premises which complies with the Regulations as detailed in the information sheet available at [www.basilodn.gov.uk](http://www.basilodn.gov.uk) or from the Licensing Authority
- if alcohol is to be sold, the consent form completed by the proposed Designated Premises Supervisor
- if the applicant is an individual(s), proof of the entitlement to work in the UK

It is a requirement that copies of the application and supporting documentation are sent to the Responsible Authorities for consultation:

- Essex Police
- Essex Fire and Rescue Service
- Health and Safety Enforcing Authority
- Trading Standards
- Area Child Protection Committee
- Planning Authority
- Environmental Health (Noise Pollution)
- Licensing Authority
- Health Body
- Home Office (Immigration Enforcement)

For electronic applications the Licensing Authority will circulate the application and accompanying documents to the Responsible Authorities for consultation. If a paper application is submitted, the applicant must submit the application and documents to the Responsible Authorities

This must be done on the same day that the application is given to the Licensing Authority. The contact addresses are detailed in Appendix 4 of this document.

The application must be advertised by publishing a notice in a local newspaper on at least one occasion during the period of ten working days after the day on which the application was given to the Licensing Authority. The published notice must contain the prescribed information as detailed in the information sheet available at [www.basildon.gov.uk](http://www.basildon.gov.uk) or from the Licensing Authority upon request.

Additionally, a notice must be displayed prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises. This notice must be in the prescribed format on pale blue paper and contain the required information. It must be displayed for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the Licensing Authority.

Failure to comply with any of the above requirements will mean that the application is not valid and cannot be considered.

## **Variations**

Applications to vary a premises licence or club certificate should be made online where possible and the same process for new applications regarding advertisements and notification of Responsible Authorities must be completed.

### **Minor variations**

Minor variations will generally fall into the following four categories:

- i. minor changes to the structure or layout of a premises
- ii. small adjustments to licensing hours
- iii. the removal of out of date, irrelevant or unenforceable conditions or addition of volunteered conditions
- iv. the addition of certain licensable activities

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, for instance, block emergency exits or routes to emergency exits; or
- impeding the effective operation of a noise reduction measure such as an acoustic lobby.

However variations are excluded from the minor variations process and must be treated as full variations in all cases if they are to either:

- extend licensing hours for the sale or supply of alcohol for consumption on or off the premises between the hours of 11pm and 7am
- increase the amount of time on any day during which alcohol may be sold or supplied for consumption on or off the premises

Applications to reduce licensing hours for the sale of alcohol or to move (without increasing) the licensed hours between 7am and 11pm will be normally classed as minor variations.

Applications to vary the time during which other licensable activities take place should be considered on a case-by-case basis with reference to the likely impact on the licensing objectives.

It is strongly recommended that applicants for variations discuss their proposals with the Licensing Authority to ensure the correct application is made.

Applications for minor variations should be made online at [www.basildon.gov.uk](http://www.basildon.gov.uk) and be accompanied by the statutory fee and amended plans (if applicable).

The application must be advertised on a white A4 notice at the premises, and contain basic details such as:

- a brief description of the proposed variation
- name of the applicant or club
- address of the premises
- date by which any interested party may make representations

This notice must remain on the premises for the consultation period of 10 working days. During the consultation period, the Licensing Authority will consider the application and may consult with any of the Responsible Authorities.

## **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

The application should be submitted online; if a hard copy is submitted then the applicant must send a copy of the application and all accompanying documents must also be sent to the police at the address in Appendix 4.

## **Club Premises Certificate**

The process of applying for a Club Premises Certificate and / or for variation to that Certificate is similar to that for a Premises Licence except that, because there is no 'sale of alcohol' involved, only a 'supply' that is managed by or on behalf of the club, neither a Designated Premises Supervisor nor a Personal Licence Holder is required.

## **Conditions attached to premises licences and club premises certificates**

Where applicable, mandatory conditions as laid out in the Licensing Act 2003 and any subsequent legislation will be attached to Premises Licences and Club Premises Certificates when granted.

Conditions may also be added to Premises Licences and Club Premises Certificates in line with the operating schedule submitted by the applicant and mediation with the Responsible Authorities. The Licensing Sub-Committee may also attach conditions following a hearing.

## **Advertising Applications Guidance Notes**

In the case of an application for a Premises Licence under Section 17, for a Provisional Statement under Section 29, to vary a Premises Licence under Section 34, or a Club Premises Certificate under Section 84, the person making the application shall

advertise the application, in both cases in a prescribed format and contain the appropriate information. The format of advertisement and information to be included is:–

(A) By displaying a notice:

For a period of no less than 28 consecutive days, starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice:

(i) which is -

- Ⓐ of a size equal or larger than A4;
- Ⓑ of a pale blue colour;
- Ⓒ printed legibly in black, in a font of a size equal to or larger than 16.

(ii) In all cases, prominently at or on the premises to which the application relates, where it can be conveniently read from the exterior of the premises, covering an area exceeding 50m square, a further notice in the same form and subjected to the same requirements, every 50m along the external perimeter of the premises abutting any highway; and

(B) By publishing a notice:

(i) in a local newspaper, or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) on at least one occasion during the period of ten working days, starting on the day after the day on which the application was given to the relevant licensing authority.

In the case of an application for a Premises Licence - Section 17, or a Club Premises Certificate - Section 71, the notices shall contain a statement of the relevant licensable activities or relevant qualifying club activities as the case may require, which is proposed will be carried on or from the premises. The statement should include information on the days and times that any licensable activities will take place.

(i) In the case of an application for a Provisional Statement, the necessary notices:

- Ⓐ shall state that representatives are restricted after the issue of a

Provisional Statement; and

ⓑ where known, may state the relevant licensable activities which it is proposed will be carried out on or from the premises.

(ii) In the case of an application to vary a Premises Licence or a Club Premises Certificate, the required notices shall briefly describe the proposed variation

(iii) In all cases the required notices shall state:

ⓐ the name of the applicant or club;

ⓑ the postal address of the premises or club premises, if any; or if there is not postal address for the premises, a description of those 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 licensing authority is kept and where and when the record of the application may be inspected;

ⓓ the date by which an interested party or responsible authority may make representations to the licensing authority;

ⓔ that representations shall be made 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 (level 5 on the standard scale).

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

The Licensing Act 2003 (Premises Licences and Club Premises Certificates) (Amendment) Regulations 2012, which came into effect on 25 April 2012 introduced a new requirement for a Licensing Authority to advertise, by way of a notice of its website, all applications for Premises licences under section 12, for provisional statements under section 29, variation of a premises licence under section 34 (except where the only variation sought is the inclusion of an alternative licence condition), for club premises certificate under section 71 or to vary a club premises certificate under section 84.

This notice must remain on the website for a period no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority.

## Temporary Event Notice (TEN)

The Licensing Act 2003 provides for certain occasions when small, occasional events (no more than 499 people at a time and lasting no more than 168 hours) do not need a licence providing that a minimum of 10 working days' notice is given to the Police, Environmental Protection Team and Licensing Authority. The aim of the system of Temporary Event Notices (TENs) is to minimise the regulatory burden on such events, many of which will be run by community groups.

The process involves sending notification of an event, in the form of a Temporary Event Notice (TEN), to the Police, Environmental Health Service and Council in whose area the event is being held at least 10 working days before the day on which the event begins. The Council will issue an acknowledgement if the TEN is valid. Essex Police and Basildon Council's Environmental Protection Team can object to a TEN if the event is likely to undermine the licensing objectives. Where Essex Police or the Environmental Protection Team submit an objection to the notice, the licensing authority will hold a hearing to consider the objection.

Licensing authorities will be given discretion to apply existing licence conditions to a TEN if there are objections from Essex Police or the Council's Environmental Protection Team.

Activities that can be covered by a Temporary Event Notice are:

- provision of regulated entertainment
- sale by retail of alcohol
- the supply of alcohol by or on behalf of a club
- provision of late night refreshment

To ensure TENs benefit small events only, they are subject to certain limitations. These are:

- no more than 499 people (including staff/organisers) attending at any one time
- an individual is limited to giving 5 TENs in a calendar year, unless they are a personal licence holder, in which case they can give 50
- a limit of 20 temporary event notices may be given in respect of any particular premises in a calendar year
- an event may last no longer than 168 hours

- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises is 26 days

Organisers of TENs are strongly advised to contact the Licensing Authority, the Environmental Health Service and Essex Police for advice at the earliest opportunity when planning events, to avoid any unnecessary objections being made that may arise from misunderstandings or confusion as to what is being proposed.

### **Late Temporary Event Notices (Late TEN)**

The Licensing Act 2003 allows event organisers to submit up to 10 "late notices" per year if they hold a personal licence and 2 "late notices" if they do not hold a personal licence. These "late notices" can be submitted to the Licensing Authority, Essex Police and the Environmental Health Service between 5 and 9 working days before the event. However, the Secretary of State's Guidance states that "They should not be used save in exceptional circumstances".

It should be noted that if either the Police or the Council's Environmental Protection team submits an objections to a late notice the Council will issue a counter notice prohibiting licensable activities for the duration of the TEN. Late TENs are included within the maximum allowance for a premises and person.

It should be noted that giving a Temporary Event Notice does not relieve the premises user from any requirement, under planning law, for appropriate planning permission where it is required. (Please contact the Planning Department to seek further guidance)



## 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 and notices must be sent to each party informing them of the date.

The [The Licensing Act 2003 \(Hearings\) Regulations 2005 \(legislation.gov.uk\)](#) lists those provisions, the timescales within which hearings have to be held and those persons to whom notices must be given.

## Temporary alcohol licensing provisions in the Business and Planning Act

[Temporary alcohol licensing provisions in the Business and Planning Act - GOV.UK \(www.gov.uk\)](#)

During the Coronavirus pandemic the Business and Planning Act was enacted in 2020 to make it easier for business to make use of outdoor space. This Act has been extended until currently September 2024.

The provisions in the Act temporarily modify the Licensing Act 2003 to provide an automatic extension to the terms of most premises licences which only permit the sale of alcohol for consumption on the premises to allow the sale of alcohol for consumption off the premises. This will make it easier for licensed premises to sell alcohol to customers for consumption off the premises in England and Wales

The new off-sales permission permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the closure time of an existing outside area, whichever is earlier. The measures also temporarily suspend existing license conditions in so far as they are inconsistent with the new off-sales permission.

Conditions on existing dual premises licenses (permitting both on-sales and off-sales) that would prevent one or more of the following are also suspended under the temporary off-sales permission:

- (i) off-sales being made at a time when the premises are open for the purposes of selling alcohol for consumption on the premises (subject to a cut off time of 11pm or the closure time of an existing outdoor area, whichever is earlier;
- (ii) off-sales being sold in an open container; and,
- (iii) deliveries to buildings used for residential or work purposes

The new off-sales permission is authorised under section 172F(2) of the Licensing Act 2003 in respect of on-sales licences and section 172F(5) of the Licensing Act 2003 in respect of dual licences.

## DELEGATION OF POWERS

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

## Delegation of Function

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

## **Glossary of terminology**

(as used in the Licensing Act 2003 (the Act) and subsequent legislation)

'Any Person' is defined as:

- i. a member of the relevant licensing authority (elected councillors)
- ii. any person
- iii. a body representing any person
- iv. a person involved in a business
- v. a body representing any persons involved in such businesses

Child

'Child' is defined as:

- an individual aged less than 16 years of age
- unaccompanied if they are not in the company of an individual aged 18 years or over

Entertainment Facilities

See 'Live Music Act'.

### **Exempt Regulated Entertainment**

The Live Music Act 2012 and the Licensing Act 2003 (descriptions of Entertainment) (Amendment) Order 2013 made changes to certain types of regulated entertainment which would no longer need a licence providing certain conditions are met.

No licence is required for the following activities providing they take place between 8am and 11pm on any day:

- a performance of a play in the presence of any audience of no more than 500 people
- an indoor sporting event in the presence of any audience of no more than 1,000 people
- most performances of dance in the presence of any audience of no more than 500 people
- live music where the live music comprises either:
  - a performance of unamplified live music
  - a performance of live amplified music in a workplace with an audience of no more than 500 people

- a performance of live music on licensed premises which takes place in the presence of an audience of no more than 500 people, provided that a number of important conditions are satisfied

Performances of dance which are "relevant entertainment" under the Local Government (Miscellaneous Provisions) Act 1982 do not become exempt under the 2013 Order regardless of the size of the audience or the time of day. "Relevant entertainment" is defined under the 1982 Act as a live performance or live display of nudity that, ignoring financial gain, can be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience.

Authorisation for the performance of dance under the 2003 Act will be needed for "relevant entertainment" where:

- the premises are not licensed as a sex entertainment venue under the 1982 Act
- relevant entertainment has been provided at those premises on no more than 11 occasions in any 12-month period, with none of those occasions lasting longer than 24 hours or taking place within a month of any such occasion

See also Live Music Act and Regulated Entertainment.

## **Hot Food or Hot Drink**

is defined as:

food or drink supplied on or from any premises is "hot" for the purposes of Schedule 2 to the Act if the food or drink, or any part of it either:

- i. 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
- ii. 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

## **Interested Party**

See 'Any Person'

## Licensable Activities and Qualifying Club Activities

'Licensable Activities' and 'Qualifying Club Activities' are defined in the Licensing Act as:

- i. the sale by retail of alcohol
- ii. the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- iii. the provision of Regulated Entertainment
- iv. the provision of Late Night Refreshment

For those purposes the following licensable activities are also qualifying club activities:

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

## Live Music Act

The Live Music Act 2012 took effect on 1 October 2012 and removed the following as licensable activities:

- provision of facilities for making music
- provision of facilities for dancing
- entertainment of a similar description to provision of facilities for making music or dancing

The Act also disapplies live music related conditions if the following conditions are met:

- (a) there is a premises licence or club premises certificate in place authorising the sale or supply of alcohol for consumption on the premises
- (b) the premises are open for the sale or supply of alcohol for consumption on the premises
- (c) live music is taking place between 8am and 11pm

(d) if the live music is amplified, there are no more than 200 people in the audience

Live amplified music also ceases to be classed as regulated entertainment if the above criteria are met.

The Live Music Act 2012 has also created a general exemption that live unamplified music shall not be classed as regulated entertainment anywhere, regardless of audience size if it takes place between 8am and 11pm.

## **Provision of Late Night Refreshment**

is defined as either:

- the provision of hot food refreshment 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 11pm and 5am
- at any time between those hours when members of the public, or a section of the public, are admitted to any 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

## **Regulated Entertainment**

Is defined as:

- (a) a performance of a play
- (b) an exhibition of film
- (c) an indoor sporting event
- (d) a boxing or wrestling entertainment
- (e) a performance of live music
- (f) any playing of recorded music
- (g) a performance of dance
- (h) entertainment of a similar description to that falling within paragraph e), f) or g) 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 – any reference to an audience includes a reference

to spectators – this definition is subject to Part 3 of Schedule 1 to the Licensing Act 2003 (interpretation)

(i) the first condition is that the entertainment is provided:

- a. to any extent for members of the public or a section of the public
- b. exclusively for members of a club which is a qualifying club in relation to the provision of regulated entertainment, or for members of such a club and their guests.
- c. in any case not falling within paragraph (a) or (b), for consideration and with a view to a profit

(j) the second condition is that the premises on which the entertainment is provided are made available for that purpose, or for purposes which include the purpose, of enabling the entertainment concerned to take place.

The following activities are examples of entertainment which are not licensable:

- education – teaching students to perform music or to dance
- activities which involve participation as acts of worship in a religious context
- activities that take place in places of public religious worship
- the demonstration of a product – for example, a guitar – in a music shop
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit, including raising money for charity
- games played in pubs, youth clubs, and so on – for example, pool, darts, table tennis and billiards
- stand-up comedy

See also 'Live Music Act'.

See also 'Exempt Regulated Entertainment'.

## **Responsible Authority**

is defined as:

- i. the Chief Officer of Police for any Police area in which the premises are situated
- ii. the Fire Authority for any area in which the premises are situated
- iii. the enforcing authority within the meaning given by section 118 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated



- iv. the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c.8) for any area in which the premises are situated
- v. the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- vi. a body which:
  - a. represents those who, in relation to any such area, are responsible for or interested in, matters relating to the protection of children from harm
  - b. is recognised by the Licensing Authority for that area for the purposes of this section as being competent to advise it on such matters
- vii. the local Weights and Measures Authority
- viii. any Licensing Authority (other than the relevant Licensing Authority) in whose area part of the premises is situated
- ix. in relation to a vessel:
  - a. a navigation authority (within the meaning of section 221(1) of the Water Resources Act 1991 (c.57)) having functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is, or is proposed to be, navigated at a time when it is used for licensable activities
  - b. the Environment Agency
  - c. the British Waterways Board
  - d. the Secretary of State
  - e. a person prescribed for the purpose of this subsection

In April 2012 the following were added as Responsible Authorities:

- x. the Licensing Authority
- xi. Local Health Body

In April 2017 the following were added as Responsible Authorities:

- xii. Home Office Temporary Event

## **Temporary Event**

is defined as:

- the use of premises for one or more of the licensable activities during a period not exceeding 168 hours usually where a premises licence not covering the licensable activity is not in place. Limited to events involving not more than 499 people

Monday to Friday  
10am to 5pm



**Basildon Council**  
BASILDON • BILLERICAY • WICKFORD

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питань перекладів, а також для отримання тексту великим шрифтом  
та шрифтом Брайля телефонуйте (Ukrainian)

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