



LICENSING ACT
2003

STATEMENT OF
LICENSING POLICY

FOREWORD

This is the fifth Statement of Licensing Policy published by Braintree District Council under the Licensing Act 2003. Since the previous Statement there has been Revised Guidance under Section 182 to the Act issued by the Home Office in April 2018 but no significant change to the Act itself.

By that same token there has been no change in policy in the new statement but there is greater focus on how that policy is applied. The licensing environment in the District is evolving, with different kinds of high quality premises opening up, particularly in town centres. This is a trend to be encouraged, so that a wide range of attractive family friendly venues can thrive. It is a trend that harmonises with town centre improvement programmes whilst allowing more residents and visitors to enjoy the licensed element of the hospitality industry.

In this policy statement there is more emphasis on a proportionate stepped approach to enforcement. The Council takes very seriously its responsibility to ensure that all of the four Licensing Objectives are followed in every situation. An approach which addresses each situation on its merits and prompts measures to be put in place rapidly - whilst being monitored regularly - should ensure compliance whilst enabling a strong local economy. This Statement is also more concise, with simpler language and a more rational layout - making it more navigable, easily readable and more accessible. Contact details of the Responsible Authorities have been updated, with the titles of heads of those authorities added.

It is hoped that these changes will assist all those who have an interest in Licensing matters and encourage a better regulatory climate in Braintree District.

Councillor John Baugh
Chairman of Licensing Committee

1. Introduction

- 1.1 This Statement of Licensing Policy sets out the principles by which Braintree District Council intends to discharge its functions as the Licensing Authority under the Licensing Act 2003 (referred to in this document as 'the Act').
- 1.2 The Licensing Authority is responsible for the consideration of applications for the grant of premises licences, club premises certificates, personal licences and processing temporary event notices in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshment. References in the text to licensed premises should be taken to include club premises unless the context otherwise requires.
- 1.3 The planning and licensing regimes involve consideration of different (albeit related) matters. The Licensing Committee is 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 an email sent at the start of the 28 day consultation period. This procedure is in addition to the statutory requirement for a copy of the 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 from the licensing hours granted, the earlier closing time must be observed. Premises operating in breach of their planning permission would be liable to enforcement action from the planning department even in circumstances where the licensing permission allowed a later terminal hour.

2. Description of the District

- 2.1 Covering approximately 612 square kilometres, the Braintree district is the second-largest Essex local authority in terms of geographical area (Uttlesford is the largest). Whilst large in area the district is only the fifth most populated of the 12 Essex local authorities. The district consists of the two large market towns of Braintree and Halstead along with the 1970's urban 'expanded town' of Witham interconnected with many smaller villages and rural areas. Crossing the southern portion of the district are the two main arterial roads of Essex, the A12 and the A120 which provide the area with quick access to the rest of the county, London and Stansted airport.
- 2.2 A further description of the District can be found in Appendix 1. A map of the area is attached to this policy document in Appendix 2.

3. Statement of Licensing Policy

- 3.1 The Licensing Authority is required by the Act to publish a Statement of Licensing Policy which contains the principles it proposes to apply when exercising its functions under the Act.
- 3.2 This policy must be reviewed and published every 5 years. The Policy must also be reviewed from 'time to time' and any proposed amendments and/or additions must be subject to fresh consultation. The new policy must then be published.
- 3.3 This Policy takes effect on 7th January 2021 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 29th April 2020 and 21st July 2020.
- 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 being 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.

5 Approval of Policy

- 5.1 This policy was approved at a meeting of the Full Council on 7th December 2020 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.

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 10 am and 4.00 pm. Regulations prescribe what information should be kept in the register.
- 7.2 The Licensing Authority publishes details of applications on the Councils website www.braintree.gov.uk/licensing
- 7.3 A summary of all premises licences issued within the district can be accessed online via Public Access.

Public Access allows you to:

- view details of all applications received by the Licensing Section
- find an individual application if you know the application number
- search against the property to see what applications have been received

Except in certain cases where the legislation prohibits the public disclosure of information, you may view all applications for licences received by the Council.

8. Compliance and Enforcement

- 8.1 In exercising its functions concerning 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 can 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, the authority 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 following the stepped approach outlined in the Statement of Enforcement Policy.
- 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 Where valid representations are made the Licensing Authority will make objective judgments as to whether conditions need to be attached to a licence, certificate or permission to secure the achievement of the licensing objectives. Any such condition will focus primarily on the direct impact of the activities taking place on the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the area concerned and will cover matters within the direct control of individual licensees.
- 9.7 Licensing law is not the primary mechanism for the general control of individuals once they are away from licensed premises and therefore beyond the direct control of individual licensees or certificate holders. However, reasonable steps should be taken to prevent the occurrence of crime and disorder and public nuisance immediately outside the premises; for example, on the pavement, or in a smoking area.

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

- measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and departments of the local authority.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences late at night, street cleaning and litter patrols.
- powers to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- police enforcement of the general law concerning disorder and anti-social behaviour.

- the confiscation of alcohol from adults and children in designated areas.
- § police powers to close down licensed premises for a specific period.
- the power of the police or interested parties to seek a review of the licence.
- other local initiatives which similarly address such problems.

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

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

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

9.10 The impact of this policy on the requirements of the Equality Act 2010 will be monitored through the impact assessments.

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

10. Prevention of Crime and Disorder

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

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

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

- Underage drinking
- Drunkenness on-premises and elsewhere
- Drugs misuse
- Violent behaviour
- Anti-social behaviour
- Control of their patrons while on the premises and as they arrive and depart

- Crime statistics in the locale
 - The nature of the local area
- 10.4 The Licensing Authority expects licensed premises to develop a staff policy and training programme on drug awareness, recognising signs of drunkenness and vulnerability, for example, offering drinking water and advice on refusing customers who appear drunk and discourage company policies that promote bonuses and sales incentives for selling alcohol. The Licensing Authority will expect necessary precautionary processes to restrict drunkenness, e.g. Home Office Licensing Guidance states drinks promotions should not be designed to encourage individuals to drink excessively or rapidly.
- 10.5 Where licensed premises are suspected of causing nuisance or being associated with the disorder or unreasonable disturbance, the review process may be invoked, and powers of revocation or the imposition of conditions may be considered. Conditions may include use of closed-circuit television, licensed door supervisors and earlier closing times. The Committee may consider a suspension of the licence to allow time for new conditions to be enacted.
- 10.6 It is expected that the Designated Premises Supervisor (DPS) should be able to demonstrate that they have the day to day control of the premises. When not on the premises it will be essential that the DPS is contactable, particularly should problems arise with the premises and that staff are authorised by the DPS.
- 10.7 The location of violent attacks, anti-social behaviour and hate crime or related incidents may be used to justify closing times.

11. Public Safety

- 11.1 The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised. Applicants are advised to consider how they can demonstrate in the operating schedule that suitable and sufficient measures have been identified and will be implemented and maintained to ensure public safety.
- 11.2 Factors which may have an impact on public safety may include:
- the number of people frequenting the premises
 - the condition, layout and design of the premises
 - the nature of the activities to be provided
 - customer profile
 - the use of special effects such as lasers, pyrotechnics, foam machines and so on.

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

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

12. Prevention of Public Nuisance

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

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

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

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

the location of the premises (including open areas associated with them) and proximity to residential and other noise-sensitive premises.

§ customer profile.

the hours of operation, particularly between 23.00 and 07.00 hours.

the nature of activities provided.

the design and layout of the premises and in particular the use of noise limiting features.

the number of people frequenting the premises.

the availability of public transport and the availability and location of car parks utilised by patrons.

any 'wind-down period' between the end of the licensable activities and closure of the premises.

the time of the last admission.

the use of special effects such as lasers, pyrotechnics, and so on.

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

Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas.

Appropriate instructions, training and supervision of staff.

The keeping of appropriate written training records.

Control of operating hours for all, or parts of, the premises, including such matters as deliveries and the operation of machinery.

Adoption of best practice guidance.

Installation of acoustic insulation, suitably controlled, sited and silenced ventilation or air conditioning systems and (where appropriate) sound limitation devices.

Signage displayed at premises requesting that patrons leave quietly

Management of people (including staff) and traffic (and resulting queues) arriving at and leaving the premises.

Liaison with transport providers.

Siting of external lighting, including security lighting.

Management arrangements for the collection and disposal of litter.

- Proper arrangements to enable the personal licence holder to monitor the activity they have authorised.

13. Protection of Children from Harm

- 13.1 Family-friendly premises are to be encouraged but the risk of harm to children remains a paramount consideration when applications are determined.
- 13.2 The protection of children from harm includes their protection from moral, psychological and physical harm.
- 13.3 Concerning 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 underage persons).
 - The premises have a known association with illegal drug-taking or dealing.
- 13.7 The following examples of control measures are given to assist applicants and are considered to be amongst the most important to be taken into account in an operating schedule. However, it is recognised that this policy applies to a wide range of premises and activities and not all the measures will necessarily be relevant to a particular application.
 - Effective and responsible management and supervisory control of premises and associated open areas, including smoking areas;
 - Appropriate instruction, training and supervision of staff;

- The keeping of appropriate written training records;
 - Adoption of best practice guidance;
 - Complete exclusion of children, limitations on the hours when children may be present, restrictions from being in certain parts of the premises, or exclusion from certain activities;
 - The imposition of requirements for children to be accompanied by an adult;
 - Acceptance of 'proof of age' documentation, from time to time recognised by the Licensing Authority;
 - Measures to ensure children do not purchase, acquire or consume alcohol;
 - Proper arrangement to be made to enable the personal licence holder to monitor the activity they have authorised.
- 13.8 Conditions which require the admittance of children to any premises cannot be attached to licences or certificates.
- 13.9 Where premises provide gaming facilities licenced or permitted under the Gambling Act 2005, the Licensing Authority will expect measures to be in place to prevent children from accessing gaming machines. This should include the appropriate training of staff and the keeping of training records, as well as measures to ensure machines are appropriately monitored by staff. Such measures should be highlighted in the operating schedule.

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 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 The Licensing Authority is obliged by the Act to grant an application unless relevant representations are received. If there are no relevant representations the application will be dealt with by the Licensing Authority's licensing officers under the scheme of delegation. If there are relevant representations the application will be considered by the Licensing Sub-Committee at a hearing which will, in most circumstances, be at a meeting held in public.

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

15. Representations

- 15.1 These may be made by either of the following:
1. Responsible Authorities – A full list of the Responsible Authorities are given in Appendix 3.
 2. Any other person - Regardless of their geographical location, providing that the representation is not vexatious and frivolous in the opinion of the Licensing Authority.
- 15.2 Any representations must relate to the named premises and are restricted to the four licensing objectives. The Licensing Authority will need to be satisfied there is an evidential link between the representations made, the licensing objectives and the premises in question. Where a representation simply relists the licensing objections without stating why it is considered the grant of the application will undermine or fail to promote them, it may be rejected as invalid.
- 15.3 The Licensing Act 2003 (hearings) Regulations 2005 require the Licensing Authority to provide the applicant with copies of any relevant representations made. Any person making a representation to an application should bear in mind that their personal data (such as name and address) will be disclosed to the applicant. The Licensing Authority will not edit letters of representation before it sends it out, except for 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).
- 15.4 In exceptional circumstances, persons making representations to the licensing authority may be reluctant to do so because of fears of intimidation or violence if their personal details, such as name and address, are divulged to the applicant.

- 15.5 If it is considered that the person has a genuine and well-founded fear of intimidation and may be deterred from making a representation on this basis, the Licensing Authority may consider alternative approaches such as withholding details or using a general location.

16. Licensing Committee

- 16.1 The Committee is currently composed of 14 Councillors but can include up to 15. A contested application and application for review under the Licensing Act 2003 will be heard by a sub-committee comprising three members of the Licensing Committee.
- 16.2 When considering applications the licensing sub-committee will have regard to this Policy, statutory guidance issued under the Licensing Act 2003, the Act and attached regulations and the licensing objectives.
- 16.3 Each application is considered on its individual merits.
- 16.4 Should the sub-committee decide to approve the application the mandatory licence conditions must be applied. In addition, the sub-committee will determine whether it is appropriate to attach other conditions to a licence, certificate or permission to secure the achievement of the licensing objectives. Any such conditions will primarily focus on the direct impact of the activities taking place at the premises on those attending the premises and members of the public living, working or otherwise engaged in normal activity in the vicinity of the premises.
- 16.5 In determining whether a person lives or has business interests sufficiently close to the premises to be likely to be affected by the proposed activities, the Licensing Authority will consider factors such as:
- The size of the premises;
 - The nature of the premises;
 - The distance of the premises from the location of the residence or business of the person making the representations;

The potential impact of the premises (e.g. the number of customers and routes likely to be taken by its customers).

- 16.6 Conditions which seek to control the range or nature of activities within the premises, or which are designed to reduce the potential for anti-social behaviour, may be necessary. Such conditions may also seek to directly impact upon the behaviour of customers on, or within the immediate vicinity of, the premises.
- 16.7 The Licensing Sub-Committee will avoid attaching conditions which duplicate other regulatory regimes wherever possible.

16.8 A list of which matters will be dealt with at by the Licensing Committee, Licensing Sub-Committee and those which are delegated to licensing officers can be found in Appendix 4.

17. Appeals

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

17.2 The following may appeal:-

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

18. Reviews

18.1 A responsible authority or any person may ask the Licensing Authority to review a premises licence because of a matter arising at the premises in connection with any of the 4 licensing objectives.

18.2 The Licensing Authority will not normally engage its role as a Responsible Authority by calling reviews on behalf of other persons, such as local residents or community groups. These individuals and groups are entitled to do so in their own right where there are sufficient grounds.

18.3 Where Responsible Authorities have concerns about problems identified at premises, the Licensing Authority considers it to be good practice for them to give licence holders' early warning of their concerns and the need for improvement. Where possible and/or appropriate it would be expected that advice and guidance in addressing the issue(s) should be given.

18.4 The Licensing Authority draws the attention of Responsible Authorities to the Home office publication, "The Practical Guide for Preventing And Dealing with Alcohol-Related Problems - What You Need To Know".

Summary Reviews (Violent Crime Reduction Act 2006)

18.5 Where premises are associated with serious crime or serious disorder a senior police officer (Superintendent or above) may apply for a summary review of a premises licence.

18.6 If a summary review is applied for, the Licensing Authority must consider the application within 48 hours (time that is not on a working day is disregarded) and determine what interim steps to take, if any, of those listed below:

- the modification of the conditions of the premises licence;
 - the exclusion of the sale of alcohol by retail from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence.
- 18.7 Although the law allows the decision to be determined in the absence of the premises licence holder, the Licensing Authority will endeavour to always notify the licence holder of the application having been made and of the time, date and place that it will be determined, to allow the licence holder or representative to attend.
- 18.8 Where the Licensing Authority decides to take any of the interim steps, its decision has immediate effect and immediate notice of the decision must be given to the licence holder.
- 18.9 Where the licence holder makes a representation in respect of the decision, the Licensing Authority must hold a hearing within 48 hours (time that is not on a working day is disregarded) of receipt of the representations and, unless they are withdrawn, consider those representations and any made by the police; consider whether the interim steps are necessary for the promotion of the licensing objectives; determine whether to withdraw or modify the steps taken.
- 18.10 The Licensing Authority must also hold a full review hearing within 28 days.

Closure of Premises

- 18.11 Under the Anti-Social Behaviour, Crime and Policing Act 2014, Closure Notices can be issued by the police or local authority for 24 hours (and up to 72 hours where necessary) when satisfied there are reasonable grounds:
- that the use of particular premises has resulted or is likely soon to result in nuisance to members of the public; or
 - that there has been or is likely soon to be disorder near those premises associated with the use of those premises.
- 18.12 Closure Orders up to three months can be sought from a Magistrates Court by police and local authorities once a Closure Notice has been issued. The court may make a Closure Order if it is satisfied:
- that a person has engaged, or is likely to engage, in disorderly, offensive or criminal behaviour on the premises; or
 - that the use of the premises has resulted, or is likely to result, in serious nuisance to members of the public; or
 - that there has been, or is likely to be, disorder near those premises associated with the use of the premises;

and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

18.13 Breach of a notice or order is a criminal offence and carries the following sentences upon summary conviction

Notice: Up to three months in prison.

Order: Up to six months in prison.

Both: Up to an unlimited fine for residential and non-residential premises.

18.14 Who Can Appeal?

Any person who the closure notice was served on.

Any person who had not been served the closure notice but has an interest in the premises.

The Council (where closure order was not made and they issued the notice).

The police (where closure order was not made and they issued the notice).

19. Suspension of Licences

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

20. Electronic Applications

20.1 In keeping with the Council's policy on the introduction of e-Government, the Licensing Authority consents to applications and other notices being given electronically where the Act and regulations allow.

Outline of Local Authority Area

Appendix 1

The Braintree District covers 236 square miles of north Essex and is the second-largest district, in area, in Essex. Largely rural in character, it stretches from the Stour Valley/Suffolk Border in the north to the Chelmer Valley and Chelmsford in the south. Just over half the total population of 149,108 (2013 Mid-Year Population Estimate from Office of National Statistics) live in the three main towns of Braintree, Halstead and Witham and the remainder in the villages, which make up the 54 parishes.

The administrative centre is Braintree, a market town on the A131 and A120, the main east coast route linking Braintree with the M11 and Stansted Airport, which lie just to the west of the District. The A120 has in part been upgraded to improve access to Stansted Airport and the M11.

Braintree Villiage constructed on the outskirts of East Braintree provides a major shopping and leisure facility. The centre features expansive retail shopping, a 12 screen multiplex cinema, bowling alley, several restaurants and swimming pool complex.

Witham is the second largest town and is located in the south of the District on the mainline from Liverpool Street to East Anglia. It provides a diverse landscape with its historic High Street, attractive outlying villages, a major trunk road and significant new development. A key feature is the new Maltings Lane development of 850 dwellings comprising residential areas, a business park, a primary school, neighbourhood centre and community facilities.

Halstead is a small, historic country market town serving the northern half of the District. Situated in a conservation area along the Colne Valley, the town supports residential area, thriving High Street shopping, restored Public Gardens, its own Theatre/Cinema and a swimming pool complex. It has a developing café culture and several evening entertainment establishments and traditional public house/inns. The town has potential for future small residential and commercial developments.

The District has a wide diversity of cultural backgrounds and interests with a thriving village and urban communities affording many facilities for leisure and entertainment for both residents and visitors.

MAP OF BRAINTREE DISTRICT

Appendix 2



Appendix 3

Contact Details of Responsible Authorities

1. Licensing Authority

Environmental Health Manager (Food, Health & Safety and Licensing)

Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB

Tel: 01376 557790
E-mail: licensing@braintree.gov.uk
2. Police

Licensing Section
Essex Police
Police Station
Blyths Meadow
Braintree
Essex CM7 3DJ

Tel: 01376 551312
E-mail: licensing.applications@essex.police.uk
3. Fire Brigade

The Community Commander
Essex County Fire and Rescue Service
Braintree and Uttlesford
Fire Station
Braintree
Essex, CM7 3JD

Tel: 01376 345537
E-mail: northwestgroupsdp@essex-fire.gov.uk

4. The Body Responsible
For the Protection of
Children from Harm
- Head of Child Protection
(Licensing Applications)
Essex County Council
PO Box 297
Chelmsford
Essex, CM1 1YS
- Tel: 01245 341932
E-mail: licenceapplications@essexcc.gov.uk
5. Environmental Health
- Environmental Health (Public Health &
Housing)
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB
- Tel: 01376 551414 ext 2223
E-mail: phandh@braintree.gov.uk
6. Environmental Health
- Environmental Health (Health & Safety)
Braintree District Council
Causeway House
Bocking End
Braintree
Essex CM7 9HB
- Tel: 01376 551414 ext 2221
E-mail: healthprotection@braintree.gov.uk
- 6a. Health/Safety Executive
- Operations Manager
Health and Safety Executive
Wren House, Hedgerows Business Park
Colchester Road
Springfield, Chelmsford
Essex CM2 5PF
- Tel: 01245 706200

Web: www.hse.gov.uk

7. Planning Authority

Development Services Manager
Development Services
Braintree District Council
Causeway House
Bocking End
Braintree Essex CM7 9HB

Tel: 01376 552525

E-mail:

planning.enforcement@braintree.gov.uk

8. Trading Standards

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

Tel: 0845 6037626

Email:

BSTTradingStandards@essex.gov.uk

9. Director of Public Health

Licensing Officer
Public Health Team
E2 County Hall
Chelmsford
CM1 1LX

Tel: 01245 431855

E- mail: LicenceApplications@essex.gov.uk

Delegation of Functions**Appendix 4**

Matter to be dealt with	Full Committee	Sub Committee	Officers
Application for personal licence		If a Police objection	If no objection made
Application for a personal licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application for a provisional statement	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made regarding cumulative impact	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim Authorities		If a Police objection	All other cases
Application to review		All cases	

Premises licence/club premises certificate			
A decision on whether a complaint is irrelevant frivolous vexatious etc.			All cases
The decision to object when a local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of an objection to a temporary event notice		All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition			All cases
Decision whether to consult other responsible authorities on a minor variation application			All cases
Determination of minor variation application			All cases