



**BOROUGH OF
BROXBOURNE**
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BOROUGH OF BROXBOURNE

LICENSING ACT 2003

CONSULTATION DRAFT

STATEMENT OF LICENSING POLICY

2021 – 2026

BOROUGH OF BROXBOURNE
STATEMENT OF LICENSING POLICY

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This Statement of Licensing Policy was approved by the Council on XXXX.

All references to the Guidance refer to the Guidance issued under Section 182 of the Licensing Act 2003 issued in April 2018.

BOROUGH OF BROXBOURNE

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

2021-2026

1. Introduction

Broxbourne Borough Council is the Licensing Authority under the Licensing Act 2003 and is responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.

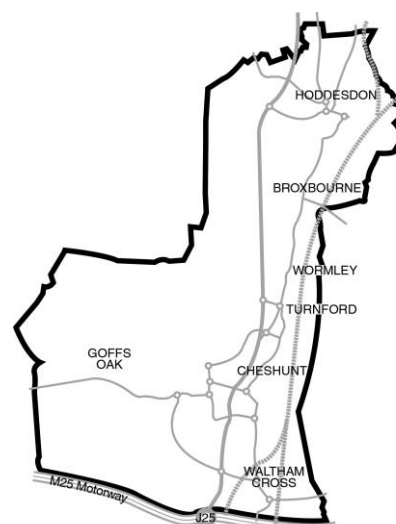
The 2003 Act requires that the licensing authority carries out its various licensing functions so as to promote the following four licensing objectives:

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

The 2003 Act also requires that the licensing authority publishes a 'Statement of Licensing Policy' that sets out the policies the licensing authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act. This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and the Guidance issued under Section 182 of the Act. The policy will be taken into consideration by the Licensing Authority, in those situations where its discretion is required.

The Borough of Broxbourne

The Borough of Broxbourne is situated in the county of Hertfordshire, which contains ten district councils in total. The Council area has a population of 97,300 (*ONS mid-2019 population estimate*). The borough is situated in the south-east corner of the County, immediately to the north of Greater London. With an area of twenty square miles the borough is one of the smallest in the County. The borough is a mixed urban and rural area. The largest towns are Cheshunt, Waltham Cross and Hoddesdon. The main urban area is along the eastern side of the borough bordering the Lea Valley Regional Park and stems out of north London and comprises of an almost continuous string of settlements incorporating Waltham Cross, Cheshunt, Turnford, Wormley, Broxbourne and Hoddesdon. To the west of the A10 London to Cambridge trunk road the borough is more rural in nature comprising of farmland and the village of Goffs Oak.



2. Consultation

Anyone wishing to view the revised statement of licensing policy can access the document via the Licensing Authority's website at;

<https://www.broxbourne.gov.uk/consultations>

Comments on the revised statement must be received by Monday 5 July 2021. Comments can be made by email – licensing@broxbourne.gov.uk

Or comments can be made in writing and sent to;

Licensing Office, Support Services, Borough of Broxbourne, Borough Offices, Bishops College, Churchgate, Cheshunt, Herts EN8 9XQ

Proper weight will be given to the views of all those consulted prior to the policy statement taking effect. The policy statement will remain in existence for a period of five years from XXXXX and during this period it will be kept under review.

3. Main Principles

Nothing in the 'Statement of Policy' will:

- 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, and/or
- 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.

Licensing is about regulating licensable activities on licensed premises, by qualifying clubs, and at temporary events within the terms of the 2003 Act; conditions are likely to be attached to licences, certificates and permissions that will cover matters which are within the control of individual licensees. When considering these matters, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises.

The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to provide that any person may make a representation about a premises licence or club premises certificate application. They no longer need to establish that they live or work near to the premises. The representation must, however, be relevant to at least one of the licensing objectives and must not be frivolous or vexatious.

In making a decision as to what weight to attach to a relevant representation, the Licensing Authority may consider whether the individual is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises. In other words, it is the impact of issues relating to the four licensing objectives that is the key consideration. However, each representation will be judged on its own merit.

The Licensing Authority acknowledges that the licensing law cannot be used for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned. Nevertheless it is a key aspect of

such control and licensing law will always be part of the Licensing Authority's holistic approach to the management of the evening and night-time economy in the borough.

4. Cumulative Impact on Licensing Objectives

The Licensing Authority will not take 'need' into account when considering an application as this is a matter for planning control and the free market. However, the Licensing Authority acknowledges the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area – "cumulative impact". A concentration of licensed premises in parts of its area such as the town centres, has the potential to cause a cumulative impact on one or more of the licensing objectives. At the present time, the Licensing Authority does not consider there is a need to adopt a special policy within the statement of licensing policy to address the effect of cumulative impact but it will keep this under review. The effect of adopting a special policy would create a rebuttable presumption that whenever a relevant representation was received a new application or material variation would normally be refused unless it could be demonstrated that the operation of the new premises or variation will not add to the cumulative impact. Any decision to adopt a special policy in future would be taken after considering the available evidence and consulting those individuals and organisations prescribed in the Licensing Act 2003 such as the police, representatives of local holders of personal licences and premises licence holders and representatives of businesses and residents in the area. The likely reasons for considering adopting such a policy would be concern about crime and disorder, public nuisance and/or noise disturbance supported by evidence.

The Licensing Authority also recognises that both within and outside the licensing regime there are a number of other mechanisms for controlling the cumulative impact effect such as:

- planning controls
- community safety plans
- town centre strategies
- the provision of public CCTV systems in town centres
- powers to designate parts of the borough as places where alcohol may not be consumed publicly
- the prosecution of any personal licence holder or member of staff at such premises who sells alcohol to people who are drunk or underage
- police enforcement of the general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices
- the confiscation of alcohol from adults and children in designated areas
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power under the Anti-Social Behaviour Act 2003 to close licensed premises for up to 24 hours if public nuisance is caused by noise coming from it and powers under the Environmental Protection Act 1990 for nuisance abatement.
- the power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.

In addition Broxbourne Council (“the Council”) also has a duty under Section 17 of the Crime and Disorder Act 1998 to have regard to the effect in the exercise of all its functions, and the need to do all it reasonably can in the exercise of all its functions including licensing, to prevent crime and disorder in the Borough.

The Licensing Authority will not impose quotas of any kind which would pre-determine any application, nor will it seek to impose general limitations on trading hours in particular areas. Instead, regard will be given to the individual characteristics of the premises concerned within a given area. It is recognised that public houses, nightclubs, restaurants, takeaways, hotels, theatres, and other clubs all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. Proper regard will be had to those differences and the impact they are likely to have on the promotion of the licensing objectives. It is expected that the premises licence holder and premises supervisor will take responsibility to manage the quiet dispersal of their customers from their premises to the best of their ability.

5. Licensing Hours

With regard to licensing hours, consideration will be given to the individual merits of an application. As recommended in the Guidance, however, it is recognised that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance on the streets when large numbers of people tend to leave licensed premises at the same time. Longer licensing hours regarding the sale of alcohol may therefore be considered as an important factor in reducing friction at late night food outlets, taxi ranks and other sources of transport which may lead to disorder and disturbance. It can also ensure that the development of safe evening and night time economies which are important for investment, local employment and tourism are not inhibited.

As far as the Licensing Authority’s overall approach to licensing hours is concerned it is not intended that any form of zoning (fixed trading hours within a designated area) will be introduced. Potentially this could lead to the significant movement of people across boundaries in search of premises opening later and puts greater pressure on town centres than is necessary. This would treat residents in one area less favourably than those in another, as well as causing the peaks of disorder and disturbance the 2003 Act is trying to avoid. However, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated in mainly residential areas.

Shops, stores and supermarkets will generally be permitted to sell alcohol for consumption off the premises during the normal hours they intend to open for shopping purposes. However, in the case of individual shops which are known to be a focus of disorder and disturbance then, following representations from the police for example, a limitation on licensing hours may be appropriate. In general, the Licensing Authority will deal with the issue of licensing hours on the individual merits of each application.

6. Children and Licensed Premises/Public Entertainment

The Licensing Authority recognises the variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, public houses, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from physical, psychological or moral harm. When deciding whether to limit access to children or not the Licensing Authority will judge each application on its own individual merits. In addition the Licensing Authority will take advice on matters relating to

the protection of children from harm from the Hertfordshire County Council Local Safeguarding Children Board which is the responsible authority for this purpose. Examples which may give rise to concern in respect of children would include premises –

- where the supply of alcohol for on-premises drinking is the exclusive or primary service offered
- where there have been convictions for serving alcohol to those under 18
- with a reputation for underage drinking
- where there is a significant element of gambling taking place (with the exception of a small number of amusement with prizes machines in public houses)
- with a known association with drug taking or dealing
- where entertainment of an adult or sexual nature is provided

The Council will maintain close contact with the police and trading standard officers about the extent of any unlawful sales and consumption of alcohol by minors and the development of any strategies to control or prevent these unlawful activities and pursue prosecutions.

The options available for limiting access by children would include –

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access may be limited to parts of the premises but not the whole for persons under 18.
- an age limitation (for under 18s)
- full exclusion of under 18s when certain licensable activities are taking place

The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club. In the case of premises which are used for film exhibitions conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification. The Licensing Authority also commends to those involved in the sale and/or supply of alcohol all relevant codes of practice relating to naming, packaging and promotion of alcoholic drinks operated on behalf of the alcohol industry. The codes seek to ensure that drinks are packaged and promoted in a socially responsible manner and only to those who are 18 years old or over.

7. Integrating Strategies and Avoiding Duplication

The Licensing Authority will endeavour to secure the proper integration of its licensing policy with all community safety, planning, transport, tourism, town centres, equality and cultural strategies and schemes. Where relevant representations have been made, conditions may be attached to premises licences and club premises certificates to reflect the local community safety strategy. For example the requirement for closed circuit television cameras in certain premises.

The Licensing Authority recognises that licensing applications should not be seen as a re-run of the planning application process. There will be a clear separation of the planning and licensing regimes to avoid duplication and inefficiency. The Licensing Authority

recommends that all persons prior to applying for a licence have obtained appropriate planning permission (if required) to enable the licensable activity to take place.

In order to avoid duplication with other statutory regimes, as far as possible the Licensing Authority will not attach licence conditions unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

8. Standard Conditions and Guidance

The Licensing Authority may only impose conditions on premises licences and club premises certificates in two circumstances: firstly where the applicant volunteers them as part of their operating schedule; and secondly on receipt of relevant representations from potentially affected members of the public or responsible authorities, which the Licensing Authority accepts as being relevant. Where no representations have been received, the Licensing Authority must grant the authorisation as set out in the operating schedule accompanying the application and those that are required by statute.

Conditions will only be attached to premises licences or club premises certificates where they are reasonable, proportionate, enforceable and relevant to the premises. They should focus on matters within the control of the individual licence holder or premises user (for temporary event notices). Conditions will be tailored to the type of operation and specific characteristics of the individual premises.

The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 introduced new mandatory conditions as part of a revision to section 19 of the Act in 2010. The Council has not re-issued all existing licences so as to include these conditions as the section 182 Guidance has confirmed that this is not necessary. The conditions will apply automatically to all premises licences and the club premises certificates that authorise the sale or supply of alcohol for consumption on the premises. Only condition 4 of the 2010 Order will apply to premises licensed for the sale or supply of alcohol for consumption off the premises.

It is expected that all applicants for premises licences and club premises certificates will specify the means by which they will promote the four licensing objectives. The application must include an operating schedule addressing the licensing objectives, in particular with regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community. An applicant may volunteer any measure as a step he or she intends to promote the licensing objectives. The measures are likely to be incorporated into the licence or certificate as conditions and become enforceable under the law.

The Licensing Authority will, as indicated above, as far as it is possible to do so, avoid imposing disproportionate and overly burdensome conditions on premises unless it is considered necessary to do so. On an unopposed application the Licensing Authority has discretion only to impose such conditions as are consistent with the operating schedule. Where there are relevant representations, the authority may impose such conditions as it considers necessary for the promotion of the licensing objectives.

Where the licensing regime can impact on factors which increase the risk to safety of those taking drugs, the Licensing Authority will take a proactive role in addressing these matters through partnership arrangements with the police, premises owners and local drug agencies. The Licensing Authority also supports the aims of the national pubwatch and local pubwatch schemes and would encourage the licensees of the premises involved to

agree on policies and actions to counter individuals who threaten damage, disorder and violence or use or deal in drugs in their premises. The Licensing Authority would expect that responsible licence holders would participate in the Broxbourne Borough pubwatch scheme.

In addition the Licensing Authority has several expectations in relation to how a licensed premises is to be managed, especially one that is licensed to sell alcohol for consumption on the premises, without the requirement that it be served with food. These expectations are that personal licence holders and premises supervisors should ensure that no underage purchasing of alcohol, or consumption, takes place on their premises by conducting age related checks, and that each premises will implement a clear policy or strategy of age verification and take reasonable steps to ensure its compliance among all staff conducting alcohol related transactions.

9. Temporary Event Notices

With regard to temporary licensable events, it is recognised that both personal licence holders and non-personal licence holders are able to give notice of these where the carrying on of licensed activities will take place at premises which are not authorised by a premises licence or club premises certificate. Whilst the statutory period states that a standard notice must be issued at a minimum of ten working days prior to an event and a late notice between nine and five working days prior to an event, it is recommended that notices be served at least two months before an event in order to avoid last minute objections.

10. Live Music, Dancing and Theatre

The Licensing Authority recognises the need to encourage and promote a broad range of entertainment, particularly live music, dance and theatre for the wider cultural benefit of the community generally, and for providing diversionary activities for the public. When considering applications for such events, the Licensing Authority will carefully balance the natural concerns to prevent disturbance in neighbourhoods with the wider artistic and cultural benefits. In considering what conditions should be attached to licences and certificates as a matter of necessity for promotion of the licensing objectives, the Licensing Authority will be aware of the need to avoid measures which deter live music, dancing and theatre by imposing indirect costs of a disproportionate nature.

The Live Music Act 2012 was designed to encourage more performances of 'live' music and the Act removes the licensing requirements for:

- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people on premises authorised to sell alcohol for consumption on the premises
- amplified 'live' music between 8am and 11pm before audiences of no more than 200 people in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)
- unamplified 'live' music between 8am and 11pm in all venues.

The Act also removes the need to license entertainment facilities such as dance floors, microphone stands and pianos etc., that are made available for use by the public.

Where licensable activities continue to take place on premises any licence conditions relating to 'live' music will be suspended, but it will be possible to impose new, or reinstate existing conditions following a review.

Whether an activity constitutes 'the provision of regulated entertainment' will be considered on its own merits. Organisers are encouraged to check with the Licensing Authority as to whether a performance is considered to be live music before making arrangements.

The Deregulation Act 2015 also relaxed the requirement for a licence to provide the following:

Live Music - No licence permission is required for;

Unamplified live music between 8am and 11pm on any day on any premises;

Amplified live music between 8am and 11pm on any day on any premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;

Amplified live music between 8am and 11pm on any day in a workplace that is not licensed to sell alcohol on those premises provided that the audience does not exceed 500.

Recorded Music - No licence permission is required for;

Playing of recorded music between 8am and 11pm on any day on any premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500.

Non-Commercial Premises - live music and recorded music will not require a licence if it takes place between 8am and 11pm for an audience of no more than 500 persons, in non-residential local authority premises, hospitals, schools or community premises (church, village and community halls or similar).

11. Licence Fees

The Police Reform and Social Responsibility Act 2011 amended the Licensing Act 2003 to allow for licences and certificates to be suspended when the annual fee is not paid.

Where an annual fee is not paid licensees will have a period of 21 days from the date the fee became due to pay the outstanding fees. The period of 21 days exists so as to allow for resolution of a dispute, or as a result of an error. After this period the licence or certificate will be suspended. No further warning letters will be sent but licence holders will be advised of the suspension and the date on which the suspension will take effect. Applying the discretion suggested in the Guidance issued under Section 182 of the Act, this date will be twenty eight days after the day the notice is given.

Hertfordshire Constabulary and the relevant responsible authorities as defined under the Act will also be notified.

The lifting of a suspension will only take place from the day on which payment of the outstanding fee is received. In all instances, confirmation that the suspension has been lifted will be given in writing the following day after the payment has been received.

Notification will also be provided to Hertfordshire Constabulary and the relevant responsible authorities of the lifting of the suspension notice at the time it was given.

It is a criminal offence under section 136 of the Licensing Act 2003 to carry out or attempt to carry out licensable activities without permission i.e. once a premises licence or club premises certificate is suspended.

12. The Licensing Authority As A Responsible Authority

The Council, as the Licensing Authority, is included within the prescribed list of responsible authorities for the Licensing Act 2003. As a responsible authority, the Council will not make representations on behalf of other parties such as residents, local councillors or local community groups, as they already have the ability to make representations about licensing applications.

The Council considers its role as the licensing authority is to ensure that the conditions attached to a licence or certificate are clear, proportionate and enforceable. As a responsible authority the Council will make representations when conditions do not meet this requirement. Where a licence or certificate holder has previously failed to comply with conditions on their permission, representations may be made where it is considered the grant of the variation will undermine the licensing objectives.

13. Health As A Responsible Authority

First-tier local authority Directors of Public Health are responsible authorities with the ability to make representations against licensing applications.

There is no licensing objective relating to health therefore any representations made by or on behalf of the Director of Public Health must consider the promotion of the four licensing objectives.

14. Enforcement

The Licensing Authority has adopted an overarching enforcement policy which guides its approach to alcohol licensing enforcement. The enforcement policy, which is kept under review, provides for the targeted response to agreed problem and high-risk premises, with a lighter touch being applied to those premises which are shown to be well managed and maintained. The policy can be view via the following link;

[Licensing Enforcement Policy](#)

The principle of risk assessment and targeting prevails and inspections are not undertaken routinely but only when and if they are judged necessary. A multi-agency approach will be taken towards the inspection of premises identified through the pooling of intelligence with the Police and other relevant agencies.

15. Review Process

The Licensing Authority recognises that at any time after a premises licence or club premises certificate has been issued, a responsible authority, such as the Police or Fire Authority, a councillor, or any other person, may ask for a review of the licence or

certificate because of problems arising in connection with any of the four licensing objectives.

Responsible authorities will aim to give licensees early warning of any concerns identified at premises. The Licensing Authority will accept requests for a review of a licence unless the request is deemed to be frivolous, vexatious or repetitious. In the case of requests which are deemed frivolous, vexatious or repetitious, the Licensing Authority will notify the person making representations of the reason behind the decision and inform them that no further action is intended to be taken. In determining this due regard will be had to the guidance issued under section 182 of the Licensing Act and the Council has set up a scheme of delegation (See section 18 below) to allow officers to decide if the request is valid.

To initiate a review a representation needs to be made to the Licensing Authority which specifically relates to a licensed premises and the promotion of the licensing objectives. The Licensing Authority expects representations to be substantiated by evidence. In cases where either the crime prevention or protection of children from harm objectives are being undermined, it is expected that serious consideration will be given to revoking the licence even in the first instance.

16. Equality

The Licensing Authority acknowledges the duties, requirements and obligations placed on it under equalities legislation in respect of the application of the statement of licensing policy.

17. Publicity and Promotion

Notification of all applications for premises licences and variation applications under the Licensing Act 2003 are publicised on the Council's website and are available for inspection at the Council offices.

18. The Licensing Process

The powers of the Licensing Authority under the Act may be carried out by the licensing committee, by a sub-committee or, instead, by officers acting under delegated authority. Many of the functions will be largely administrative and non-contentious and in the interests of speed, efficiency and cost-effectiveness these will, for the most part, be delegated to officers. All such matters dealt with by officers are published on the Council's website.

Mindful of the Secretary of State's recommendations, the Licensing Authority's approach to the decision making process is set out on the following page:

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	LICENSING APPLICATIONS SUB-COMMITTEE	HEAD OF SUPPORT SERVICES
Application for personal licence	If a police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc		All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a police objection to a temporary event notice	All cases	

19. Contact Details/Further Guidance

Further information on the licensing process including application forms, details of fees and guidance for applicants can be found on the Council's website:

[Food, Drinks and Events Licensing](#)

Additionally, you can contact the licensing office directly:

The Licensing Office
Support Services
Borough Offices
Bishops College
Churchgate
Cheshunt
Herts EN8 9XQ

Tel: 01992 785555 ext 5719
email: licensing@broxbourne.gov.uk

Online application forms can be accessed via the Council's website, or through the government's website: <https://www.gov.uk/licence-finder> .

20. Responsible Authorities

For the purposes of forwarding copies of licence applications, the details of responsible authorities in the Borough of Broxbourne are given below.

The Licensing Officer
Support Services
Borough of Broxbourne
Borough Offices
Bishops College
Churchgate
Cheshunt
Herts EN8 9XQ

Hertfordshire County Council
Hertfordshire Safeguarding Children Board
Room 127
County Hall
Hertford
Herts SG13 8DE

Environmental Health Section
Borough of Broxbourne
Borough Offices
Bishops College
Churchgate
Cheshunt
Herts EN8 9XQ

The Licensing Officer
Hertfordshire Constabulary
Cheshunt Police Station
101 Turners Hill
Cheshunt
Herts
EN8 9BD

Fire Protection Manager
Fire Protection
Hertfordshire County Council
Mundells MU103
Welwyn Garden City
Hertfordshire
AL7 1FT

Planning Section
Borough of Broxbourne
Borough Offices
Bishops College
Churchgate
Cheshunt
Herts EN8 9XQ

Hertfordshire County Council
Public Health
SFAR 232, 2nd Floor
Farnham House
Six Hills Way
Stevenage
Herts
SG1 2FQ

Hertfordshire County Council
Trading Standards
Mundells
Welwyn Garden City
Herts
AL7 1FT

Home Office Immigration Enforcement
Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
Surrey
CR9 2BY